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THE RIGHT TO BEAR ARMS

THE
RIGHT TO BEAR ARMS

BY

'X'

(Arthur Charles Fox-Davies)

'Surely even those who affect the greatest contempt for Heraldry will admit that if Arms are to be borne at all, it should be according to the laws of Arms.'—PLANCHÉ.

Second Edition, Revised and Enlarged

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PREFACE

NOWADAYS it is the fashion to proclaim oneself to be democratic. That is unfortunate, and, moreover, it is a piece of hypocrisy. For in very truth there are but few of those of gentle birth who are really either democratic or socialistic in their ideas, or rather in that innermost private set of ideas which they keep for their own especial comfort. Those who are not of gentle birth need not trouble themselves to use arms and crests.

Years ago a writer penned these lines: 'There is no subject more difficult to be dwelt on than that of honourable descent; none on which the world are greater sceptics, none more offensive to them; and yet there is no quality to which every one in his heart pays so great a respect.'

As time goes on this dogmatic statement remains absolutely correct; it might almost be said that the two concluding phrases really gain in weight and accuracy, day by day, the more that

the world outwardly condemns and ignores such a standpoint.

I have been called to account for asserting the existence of 'caste' in England. It *does* exist, and it seems idle not to recognise the fact. And yet the critics of the Press ignore it, or ridicule the suggestion. Many of our journalists are unfortunately unacquainted with the class which exists by privilege, which claims, asserts, possesses, and exercises privilege and its prerogatives. Outsiders are quick enough to grasp the fact, and a well-known American writer, Mr Julian Ralph, in an article on 'English Characteristics' in *Harper's Magazine*, tersely but truly sums the whole matter up thus :—

> 'In England you can trace caste from the sorrowing Lady on the throne to the top-hat and long coat of the simplest gentleman in the West-End, or the same hat and short coat of the humblest clerk in the City. From top to bottom, the English love it all. Let no one humbug my reader with the assertion (born of our republican wishes) that the lines of caste grow looser, or that monarchy is under a death-sentence in England. The youngest, most sheltered oak in that land is not as firmly rooted nor as sure of a long existence.'

Now armory is, and always has been, the prerogative of the privileged class. Armorial bearings are not necessary to any man. They are but the

outward and visible sign of the technical rank of 'gentility,' the lowest hereditary rank. And so long as the possession of arms is a matter of privilege (even though this privilege is no greater than is obtained by a payment to the Crown of the fees upon a patent of arms), so long will a certain (though it may be small) prestige attach to the possession of arms. The world always values anything to which prestige attaches, and the possession of which is in any way a matter of privilege.

The following is merely one instance of the manner in which the unauthorised use of arms is slowly but surely taking effect in lessening the prestige of armory. At the beginning of this century every peer and every gentleman used his seal of arms in sealing a letter. This practice was followed almost without exception. Those who had no arms used wafers. A certain well-known character, at that period, sorted his letters in the following manner:—Those which bore seals of arms he opened himself, because they were likely to be from people of his own class; those which were wafered he sent unopened to his agent, the probabilities being that they related to no more than business matters. When adhesive envelopes were introduced the use of armorial bearings on correspondence continued, and the upper classes had their stationery embossed with arms or crests

And I think I am right in saying that this practice continued to be pretty generally recognised until about thirty years ago. Then came the era of that abominable advertisement, 'What is your crest, and What is your motto? Send name and county and three-and-sixpence, no charge if an order for stationery be given.' The natural result was that everybody could afford three-and-sixpence, and this advertisement was taken advantage of to an extent which it is almost impossible to realise. The privileged classes found their privilege of armory was being infringed by people who, it was notorious, could have no pretence to such privilege, and consequently the highest classes ceased to value it, or, at any rate, ceased to value that particular opportunity of displaying their right to the privilege. The result is that now one scarcely ever sees a crest or coat-of-arms upon the notepaper of those who, in slang phraseology, are members of 'the smartest sets.' Peers still continue pretty generally to use their coronets, simply because the possession of a coronet is still recognised as a matter of privilege, and the very few of ancient ancestry who still possess 'badges' use these because it is now impossible to get a badge.

In olden time a knowledge of heraldry and genealogy was a part of the ordinary education of every gentleman. Armory and sport were the

prerogatives of aristocracy, and it is curious in this respect to notice that these two accompaniments of birth were so intimately interwoven that 'Porny,' ostensibly a dictionary of heraldic terms, contains many sporting words for which by no stretch of imagination or research can a place be found within the limits of armory.

But nowadays things are otherwise. Not only does heraldry form no admitted part of one's education, but, on the one hand, some boast with gusto of a profound ignorance upon the subject; some others think it necessary to apologise for any slight knowledge of it which they may possess. It is difficult to understand such a state of affairs. For armory is a subject which concerns every gentleman, and a subject with which, sooner or later, somehow or other, every gentleman has to deal, even if his flirtation with the science be no greater than the engraving or the wearing of the signet ring upon his finger.

At the end of the seventeenth century the powers of the Heralds to ruthlessly deface or destroy false armory to a great extent ceased to be exercised. The reasons of this cessation were political. If at that time, and coeval with the waning influence and importance of heraldry, the *use* of arms had then equivalently declined, no harm would have been done. The result would have been that armory, like chivalry, would by

now have been dead and would have passed away into the limbo of antiquity. One is tempted sometimes to wish that this had been the case. But it has not, and heraldry is now and still a living, breathing, actual reality, and never before within these realms has the use of armorial bearings been so widespread and so extensive.

The average individual who ranks himself as, and is accounted by his neighbours to be, a gentleman by birth (I am not here employing the word in its Exeter Hall translation, but rather with the definition which the term now colloquially carries), invariably has a crest or coat of arms upon his silver, his spoons and forks, perhaps on his china, on his bookplate, on his seal, on his carriages, his livery buttons, and his harness. In all probability he armorially decorates the monument he erects to his father's memory. And yet whilst the whole or a part of his armorial bearings must catch his eye several times a day, he is content to trust the decision or control concerning them to the knowledge which he supposes to exist on the part of his tailor, his stationer, his jeweller, or his coach-painter. As a matter of fact, the ignorance of these sort of tradesmen on the point is colossal and profound. The average jeweller or coach-painter has no more knowledge of heraldry than one's greengrocer. It is leaning on a broken reed, indeed, to trust your heraldry to such a person.

Whilst it is hopeless to expect that a detailed acquaintance with the intricate laws of armory will ever again become universal, there are certain fundamental facts that require no great effort of memory to assimilate, and which it is desirable should be known by every gentleman.

The use of arms is the assertion of one's gentility in the same manner that the use of a coronet of rank is the advertisement by the user of the fact that he is a Peer. Tell the average man this, and he will pooh-pooh it. But it remains a fact. Why does an upstart put a crest on his livery buttons and on his carriage? Because he wishes to do as his betters do. Why do his betters do it? Because their fathers did it before them, and they are glad enough to show the world that they had forefathers to copy,—forefathers who were gentlemen. Hundreds of men sneer at the whole thing, and say they don't care a button about arms. They generally use them all the same, and woe betide any one who questions their right to what they may display. I have nine threats of libel actions in my drawers at the moment for indicating that different people are using arms without a right thereto. And not one of the nine can show the vestige of a right. I am not quite sure whether the proportion of bogus arms in use is greatest amongst High Sheriffs, Q.C.'s, Jubilee Knights, Fellows of the Society of Anti-

quaries, or City Aldermen. The proportion is about 50 per cent. bad, all round. Why do people object to have their arms described as bogus? Because every one knows that the chief glory and the great beauty of arms and crests are that they are both hereditary,—because in the frantic struggle to get into Society nine men out of ten will tell lie upon lie to prove that their fathers were not labourers or 'dans cette galère,' and will therefore use bogus arms in the vain endeavour to show that they and 'their people' are not of the vulgar crowd. That is snobbery, rank, utter, and absolute. It takes a gentleman of birth and of ancestry to admit 'in Society' that his father swept a crossing for a living, or that his mother took in lodgers or washing. So we get back to the fact that the use of armorial bearings or of a coronet is merely the assertion or advertisement of gentility or Peerage rank. Every Peer uses his coronet, every pseudo-gentleman sports arms in some way or other. If it be snobbish to tell the world that you are a Peer or a gentleman, well, then, snobbery must be somewhat of an aristocratic failing. No one accuses a Peer of snobbery for using his coronet to show that he is 'My Lord.' Why, then, is a man a snob for using a coat of arms to show he is a gentleman? The proudest title in the world is that of an English gentleman. Where is the snobbery in claiming it if a right to

it exists? There are degrees of gentility of course, and ancient gentility is much more estimable than modern. But they are both gentility, the one taking precedence before the other. But better modern gentility, better even raw new gentility, if it be genuine, than a *bogus* claim to ancient ancestry. Manners have nothing to do with one's gentility. 'Manners maketh *man*.' George IV. was the first gentleman in Europe, and no one ever accused him of good manners. Manners are assumed, just as the motto ('Pour y parvenir') of the Manners family has been wittily translated to mean 'In order to obtain,' or 'For what you can get.' Gentility is merely hereditary rank, emanating, with all other rank, from the Crown, the sole fountain of honour. It is idle to make the word carry a host of meanings it was never intended to. Arms are the sign of the technical rank of gentility; the use of arms is the advertisement of one's claim to that gentility. Arms mean nothing more. By coronet supporters and helmet can be indicated one's place in the scale of precedence; by adding arms for your wife you assert that she also is of gentle rank; your quarterings show the other gentle families you represent; difference marks will show your position in your own family (not a very important matter); augmentations indicate the deeds of your ancestors which the Sovereign thought worthy of being held in

especial remembrance. *By the use of a certain coat of arms, you assert your descent from the person to whom those arms were granted, confirmed, or allowed.* That is the beginning and end of armory. Why seek to make it mean more? Why garb it in falsehood till it becomes ridiculous? Some will tell you an argent field means 'purity.' The purity extends no further than the whiteness of the shield. Purity and chastity are not hereditary—armorial bearings are. Nor does a crimson shield mean descent from Emperors. One can inherit a field of gules without any corollary of birth in the imperial purple. A bend does not indicate warrior ancestors, nor did this charge originate in the scarf of a military officer. It first occurred because an extra strip of wood across a shield was found to be a convenient way of adding stability to such an article. And afterwards somebody painted the strip of a different colour. And a painted strip across a shield no doubt was made use of long before military officers put a sash over their shoulders, or, indeed, many other clothes about their bodies. There is scarcely a heraldic charge that has not at some time or another had some fable or so-called explanation attached to it. The pity is that many of these puerilities are still believed. Small wonder, then, that armory is viewed with contempt by so many. But if armory be to you no

more than a mere subject of contempt, leave it alone; don't abuse it by improper use.

But if the display of armorial bearings is the assertion of gentility, is it not contemptibly snobbish to use arms when no gentility exists,—to steal the signs of another's gentility, and thereby assert to the world that you are of gentle birth when you are not; to proclaim yourself to be *related* to some noble family of your name, when even the name of your grandfather is perhaps unknown to you? Yet this is done every day.

Here is the origin of many of the arms and crests in use. A man who, as far as he himself knows, is of no ancestry, begins to rise in the Social Scale. He must do the same as his betters, so he starts a crest or coat of arms. He simply gets it put on his property by some tradesman with whom he is dealing. Either his tradesman selects it, or he chooses it himself over the counter out of a book of illustrations, all of which, by the way, already belong to other people. From one article it is transferred to another, till all his belongings are decorated with it. His son, one generation further away from 'the people,' asks about it. The father probably shuffles—he is ashamed to own it only originated in a tradesman's shop—and vaguely tells his son 'it came to him from his father,' or 'he didn't know much about it, but his people had used it,' or

some other such gorgeous fairy tale, garnished to suit the taste. So the son accepts, as one of his articles of faith, the divine belief in his own descent from gentle ancestors, for faith is the substance of things hoped for, and the evidence of things unseen. And he swears by all his little tin gods, and by the sacred ashes of his sainted forefathers, that the arms he uses are *his* by right, and one has to call his attention to the fact publicly in black and white before he can be even induced to make the least inquiry about the arms in question. That he doesn't know who his forefathers were or where may be their ashes are merely details. *His* son in his turn, it may be, *does* take a fleeting interest in the matter. There is usually an amateur herald in a family about every third generation. But he always starts his inquiries from the wrong end. He takes his own right to the arms for granted. When he finds that the arms were registered 250 years ago to some family, this family are at once claimed as ancestors. 'The arms are the same, you know ; we *must* be descended from them.' Prove to him that he is not, or that it is unlikely, what then does he do? Spin you a sweet little story about missing registers, which perhaps you may believe, and perhaps not. I have been told of so many 'crucial' parish registers that are missing that the wonder is there is a solitary one

left in the kingdom. Or he will swear his people were omitted at the Visitations through the stupidity of the Heralds. Probably they were respectable yeomen who knew better than to presume to bear arms—or he will tell you a story of a mésalliance, a Gretna Green marriage, and a disinheritance ; there have been more of such heirs disinherited than have ever existed to quarrel with their fathers. Or perhaps his ancestors dropped the use of arms through religious scruples (whilst even Quakers have accepted baronetcies, and been made Lords - Lieutenants) ; or else he will abuse the Heralds and Kings of Arms for granting *his* arms —HIS, if you please—to some other family 250 years ago, which family were in no way related to his people. Wherefore he thinks the Heralds ought to be called to book. And all the time the whole thing is merely a colossal delusion, for it is quite possible he can't tell you even the name of his own great-grandfather.

And there are dozens who will read and admit everything I have said. 'Oh yes—quite true, I've no doubt it exactly applies to my neighbour Smith,' and it will never dawn on them that they themselves are in the same boat. A man's belief in his own right to bear arms, and in his own gentility, is absolute and profound. His father told him so. Therefore he *must* be a gentleman. He needs no more proof of his own gentility, or of his

own right to bear arms, and though one might move mountains, the pity of it is that many will remain unconvinced of their errors to the day of their death. So I suppose I must go on preaching the gospel of true armory for yet a while longer.

THE RIGHT TO BEAR ARMS*

CHAPTER I

THE ORIGIN AND MEANING OF ARMS AND GENTILITY — THE RIGHTS AND PREROGATIVES OF THE SOVEREIGN.

If one may be permitted to use an expression suitable to this utilitarian and commercial age, armorial bearings are the hall-mark of one's gentility. Nowadays it is somewhat difficult to get this subject treated seriously. It is a very prevalent fashion to sneer at the display of arms as snobbish and as antiquated, and, of course, following the example of the fox in the ancient parable, those who have no arms affect and pro-

* In view of the correspondence in the *Saturday Review* and elsewhere challenging my premises, the following pages (which, in a very abbreviated form, have been partly published in the *Genealogical Magazine*) have been written. I have no doubt that had they been written by an Officer of Arms, with access to the records at the College, the case could have been proved even yet more conclusively. My proofs are merely those to which, as an ordinary member of the outside public, I could obtain access at the Record Office, etc.

claim an utter contempt for heraldry. People of this class would have us believe such an opinion to be universal. But in this country the *use* of arms (apart from any question of *right* to bear them) is purely voluntary. The Revenue authorities require that those who *use* arms shall pay an annual tax of one or two guineas, according to the manner of using. From this *voluntary* taxation the Revenue received during the year 1899 the sum of £75,347. In addition, some thousands use arms or crests while successfully evading the tax. So that it is fairly evident that the estimation still placed upon arms by the general public is considerable.

Arms are *not* a necessity; consequently, as no one is *compelled* to use them, I have yet to learn of one single solitary position in life which necessitates the use of a personal coat of arms. A man can be born, can live, and can die perfectly happy and contented without a coat of arms, good or bad. There are millions who have done it. There are millions who will do it in the future.

One of the most popular fallacies with regard to arms is the supposition that the tax which is paid annually by those who use armorial bearings confers a valid right to arms. It does nothing whatever of the kind. It is simply and solely a method of taxation, and of itself neither gives nor grants any tangible right to arms. I am quite

aware that the wording of the form of receipt for the annual payments under this form of taxation can, by reason of the imperfect English in which it is expressed, be, perhaps, twisted into such reading; but the status of the whole affair can be readily explained by reference to the somewhat analogous taxation of men-servants, guns, dogs, and game. By paying the taxes upon these matters you do no more than satisfy the taxation requirements of the Inland Revenue. You pay for your licence to use a gun, but that does not give you a gun, and all the dog licences in the world will not create a pup to your use. The right to the possession of either the dog or the gun must be obtained, usually by payment and from some other quarter. In the same way the payment for an annual licence upon a carriage does not make you the happy possessor of even the most humble conveyance, and even after the payment for a licence to employ a man-servant, you still have to make your terms with the individual and pay his wages. Up to the present the Inland Revenue authorities at Somerset House have not yet started an establishment for the supply of either carriages, dogs, guns, or game, but they nevertheless exact the taxation which has been prescribed. In precisely the same manner, whilst they exact taxation for the use of armorial bearings, they do not supply them, and the payment of the taxation

does not create a right of possession to that incorporeal hereditament—a coat of arms.

Many would have us to think that a coat of arms has no value and no meaning, and that there is no ownership in arms. An equally prevalent idea is that everybody has got a coat of arms, and that it is only a question of 'finding it.' A more fallacious idea could hardly exist. Another mistaken idea is that anybody can assume a crest in the same haphazard manner in which one designs a monogram.

Now this idea that crests are not hereditary and may be assumed at pleasure is very deep-rooted. Many will admit they have no right to arms, whilst vehemently asserting and maintaining a claim to a crest. Let me say at once and emphatically that such an idea is utterly incorrect. There are many coats of arms legally in existence to which no crests have ever been assigned, but there is not a solitary crest lawfully existing without its complementary coat of arms. Unless there be an undoubted right to arms, it is absolutely certain there can be no right to a crest. A crest is essentially but a *part* of a formal armorial achievement and cannot exist alone.

An equally foolish and much more prevalent idea is that every coat of arms commemorates some glorious achievement of some unfortunately forgotten ancestor. I daresay there are 50,000

coats of arms in existence. I question if even 500 are truly capable of such explanation. Arms, in ancient days, were used for purposes of distinction; they were therefore a pun on a man's name or on the name of his lands, and were generally due to some such cause.

Let me, if possible, make it clear what arms are, and whence comes authority to bear them.

Many people trace the origin of armorial bearings to the Greeks, and one writer takes them back to the Chaldeans, because a Chaldean example exists of an eagle drawn in the form in which an eagle displayed is at present heraldically depicted. I am not concerned herein to discuss that or any kindred point. There is no doubt, of course, that shields have been decorated in some form or another from remote ages. Equally is it certain that tribes and individuals have used badges both for personal and tribal purposes. But in spite of all that has been written on one side and on the other, we are still without any definite evidence that such a thing as a coat of arms, in the sense we now understand the term, had any existence whatsoever at the time of the First Crusade. In the whole of the Bayeux tapestry there is no design which can be properly classed or considered as a coat of arms. To my mind, this definitely proves that there was no such thing as a coat of arms in existence at that time.

Soon after this undoubtedly arms were in use, both on the Continent and in these countries; in fact, their assumption appears to have been fairly coeval throughout the whole of Europe. There is little doubt that the Crusades exercised a vast influence both in forming the rules of armory and in stimulating the birth of the science. Apart from certain questions of technique, which vary according to the requirements and ideas prevalent in the different countries in former times, armory is much the same from one end of Europe to the other. There are many of its forms and rules, many of its terms, and practically all of its charges, identical in all countries, and this undoubtedly points to and almost incontrovertibly proves a common origin of heraldic law.

* At all times and in all countries the condition of society has been one of inequality. The broadly-marked difference between the nobleman or gentleman and the rest of the community is one of the most prominent features of mediæval life, and the source from which the less abrupt gradations of

* The wording of the following paragraph being very similar to an extract from a well-known book, it may, perhaps, in the opinion of some, be considered that I should acknowledge the extract by quotation marks; but a careful comparison will show that the quotation is by no means exact, so the responsibility remains my own. Where quotation marks are used, no alterations have been made. I think it well to make this explanation, as otherwise the odium attaching to 'X' might be wrongly transferred to other writers whose books I have similarly laid under contribution in a slightly altered form.

rank in modern society have been gradually developed. According to feudal ideas, the whole land was, in the first instance, the property of the Sovereign, from whom it was held under the obligation of rendering stated military service, with or without the further obligation of attendance at his court and council. The immediate vassals of the Crown, who were in the first instance called Barons (as emphatically the King's *men*), enjoyed in some cases the office of *Comes* or *Dux*, and had vassals, who held their lands from them by a like military tenure, and with obligations of attendance at the courts of their superiors similar to those by which the latter held their lands from the Sovereign. By a constitution of this kind, but with variations in detail, society was held together in most parts of Europe. The landholder was the nobleman or gentleman, and the smallest tenant of land held by military tenure participated in the privileges of nobility. The gentry of England had many privileges recognised by law. If a churl or peasant defamed the honour of a gentleman, the latter had his remedy in law; but if one gentleman defamed another, the combat was allowed. For similar offences a gentleman was punishable with less severity than a churl, unless the crime were heresy, treason, or excessive contumacy. A churl might not challenge a gentleman to combat, *quia conditiones impares.*

Side by side with feudalism grew up the use of distinctive devices, by which on banner or shield the performers of military service were distinguished. Like the *jus imaginum* of classic times, the right to bear *insignia gentilitia* became from the very evolution of heraldry the distinctive privilege of the nobly born. 'Nobiles,' says Sir Edward Coke, 'sunt qui arma gentilitia antecessorum suorum proferre possunt.' To use the words of Camden: 'Nobiles dividuntur in minores et majores. Nobiles minores sunt equites aurati, armigeri, et qui vulgo generosi et *gentlemen* vocantur.' Or in the language of Sir James Lawrence (*Nobility of the British Gentry*, p. 3, 4th edition, London, 1840): 'Any individual who distinguishes himself may be said to ennoble himself.' A prince judging an individual worthy of notice gave him patent letters of nobility. In these letters were blazoned the arms which were to distinguish his shield. By this shield he was to be known, or *nobilis*. 'A plebeian had no blazonry on his shield, because he was *ignobilis*, or unworthy of notice. . . . Hence arms are the criterion of nobility. Every nobleman, in the true meaning of the word, must have a shield of arms. Whoever has a shield of arms is a nobleman. In every country in Europe without exception a grant of arms (or letters of nobility) has conferred gentility on all the descendants' [in the male line].

Out of Great Britain, the term 'noble' is still habitually used in its original sense; and the prerogative of raising persons merely to 'noble' rank is continually exercised by Continental Sovereigns. Nearly every foreign grant of arms is in reality a grant of nobility, containing, *inter alia*, a gift of certain arms. This was formerly the case in England. The practice which has gradually established itself in England of restricting the words 'noble' and 'nobility' to members of the Peerage, whilst in itself incorrect, has also caused much confusion and misunderstanding to arise in the use and abuse of the word 'gentleman,' which, strictly speaking, is identical with, and only another form of, the word 'nobleman.' While the stricter meaning of the word is in a measure retained to the present day in the expression 'gentleman by birth,' it has often come to be difficult for one who is not a genealogical expert to know who is or who is not a 'gentleman'—*i.e.*, a gentleman of coat-armour. The less abrupt gradation of ranks, and a mistaken 'courtesy' adopted by society in general, have caused the word 'gentleman' to be applied in an idiotic manner to any one whose education, profession, or perhaps whose income, raises him above the lower level of ordinary trade or menial service, or even to a man of polite and refined manners and ideas. Such an idea is absolutely wrong. I have myself

heard and seen a drunken chimney-sweep come to blows in a public-house on being informed he was not a gentleman. Nothing a man can do or say can make him a gentleman without formal letters patent of gentility—in other words, without a grant of arms to himself or to his ancestors, either near or far removed. And once the right to arms has been conferred, no action, good or bad, can remove that gentility, except a formal attainder from the Crown. Somebody once remarked that it is 'a pity some gentlemen are such blackguards.'—Quite so, but their blackguardly conduct does not remove their gentility, which is hereditary.

Now, I am quite aware that the word 'gentleman' is at the present day wrongly *used* to carry a wider meaning. There is no necessity to write me long letters demonstrating the fact, and letters on the subject in the Press are equally unnecessary. I admit that the word colloquially is now used differently, but I say such a usage is wrong, *ab initio*, and all the wrongful use of the word that takes place cannot alter its true meaning. The following case in the Earl Marshal's court, which hung upon the definition of the word, conclusively proves my contention :—

> '21*st Nov.* 1637.—W. Baker, gent., humbly sheweth that having some occasion of conferrence with Adam Spencer of Broughton

under the Bleane, co. Cant., on or about 28th July last, the said Adam did in most base and opprobrious tearmes abuse your petitioner, calling him a base, lying fellow, etc., etc. The defendant pleaded that Baker is noe Gentleman, and soe not capable of redresse in this court. Le Neve, Clarenceux, is directed to examine the point raised, and having done so, declared as touching the gentry of William Baker, that Robert Cooke, Clarenceux King of Arms, did make a declaration 10th May 1573, under his hand and seale of office, that George Baker of London, gent., sonne of Christopher Baker of Tenterden, sonne of J. Baker of the same place, sonne of Simon Baker of Feversham, co. Cant., was a bearer of tokens of honour, and did allow and confirm to the said George Baker and to his posterity, and to the posterity of Christopher Baker, these arms, etc., etc. And further, Le Neve has received proof that the petitioner, William Baker, is the son of William Baker of Kingsdowne, co. Cant., who was the brother of George Baker, and son of Christopher aforesaid.' The judgment is not stated. (The original Confirmation of Arms by Cooke, 10th May 1573, may now be seen in the British Museum. *Genealogist* for 1889, p. 242).

In those times, to say that a man was 'no gentleman' was understood to imply that he had no right to bear arms—the badge and proof of the social rank of a gentleman—and such a statement was a real injury and insult. It is almost im-

possible to place oneself into the mode of feeling which obtained in the seventeenth century and earlier; the rank of gentleman (*nobilis*) in those times was real, and not a mere claim to good manners or a certain income, as we now unfortunately consider it.

The word 'gentleman' originally came from gentle,—*i.e.*, 'nobilis,'—a rank, as we read 'gentle' or 'simple'; but the moralisers have taken it up as a weapon, and have etymologised and distorted it into a qualitative term, and it is rammed down one's throat that the only gentility of value is the possession of an idealised code of manners. Such may be desirable, but it is not gentility. Thus, we of this generation, having had a false interpretation foisted upon us, are quite confused as to the real meaning of the word!

In an order made by Charles Brandon, Duke of Suffolk, Earl Marshal (1524-1533) settling the fees payable upon grants of arms, he uses the words, 'Every byshoppe *that shall be ennobled*, £10,' and then follows the scale of fees for those of other ranks. A reference to the grant of Arms to Roger and Thomas Keys on page 51 will show that the grant of 'nobility' was definitely put into actual words, as follows:—

> 'We ennoble, and make and create noble, the said Roger and Thomas, on account of their deserts at our hands, together with the heirs, begotten

> or to be begotten, and the descendants of the said Thomas; *and in token of this nobility*, we give and grant by these presents for ever the arms and coat of arms in these our present letters depicted, etc.'

Alexander Pope (*Essay on Man*, ep. iv., line 203) wrote :—

'Worth makes the man, and want of it the fellow.'

It will be noticed that he did not write it 'gentleman,' nor is it so expressed in 'manners makyth man,' which I take to be earlier than Chaucer; for it is supposed to have been chosen by William of Wykeham as the motto for Winchester College, when he founded it in 1393.

That the word gentleman continues to be wrongly used is simply due to the vanity of plebeians, who are so small-minded that they cannot bring themselves to admit they are not gentlemen, and therefore try to prostitute the word to carry only that lower qualification, which shall but include those attributes which they conceive themselves to possess. Presently we shall have everybody saying they are 'dukes,' and that the qualification therefor is no more than the possession of decent manners. The real right in the case of a Gentleman equally as in the case of a Duke is derived by patent from the Crown, and the one is as much a matter of rank as the other.

In all European countries which recognise the rule of a Sovereign (of course, dismissing for the moment modern evolutions of dominion) arms are unquestionably an honour and a matter of honour in the prerogative of the Sovereign to confer.

Undoubtedly, in the infancy of the science, people chose and assumed their own arms, and instances are known where noblemen have conferred arms on those of lower status. In early days people chose and assumed a good deal of their own mere motion. But in all countries this right was soon appropriated and annexed to the Crown at a time when the Crown had and exercised authority on its own motion and initiative, without waiting for any Parliament or Convention to confer such authority upon it. With the rest of Europe I am not attempting to deal, though it is curious that within the last few years, both in Russia and in Germany, a similar movement and criticism have arisen with regard to arms and titles equivalent to the reformation in this respect which has been going on in England within the last ten or fifteen years. It will be sufficient for my purpose to demonstrate the evolution of the present authorities in the British Empire. That contains quite enough abuses without going further afield.

A coat of arms is an estate of inheritance, and it is a principle of law that no man can of himself

create or grant an estate of inheritance to himself.

Because people five hundred years ago were not always brought to book for inventing arms for themselves, there are those at the present day who would foster the idea that this method may still be pursued. A criticism of a bogus coat of arms produces nearly always, first, the statement that 'these arms have been used by my ancestors for centuries, or for very many generations,' which is usually untrue, or else some wild assertion that the arms were in existence, and have been continually used since a time before the existence of the College of Arms. These statements are always untruths. I myself have never known a single one for which documentary evidence is forthcoming, and the personal knowledge of no man runs to such a period. In a large proportion of the cases of the use of unauthorised arms, the *facts* generally turn out to be that the arms were 'found' for 3s 6d, or some such sum, at an heraldic stationer's, perhaps ten or perhaps twenty years ago, or were perhaps supplied gratis with a 'guinea box of stationery.' It was then *afterwards* ascertained that they were quoted in Burke's *General Armory* as belonging to a family of the same name, which family were promptly claimed as ancestors. 'The arms are the same, you know; we *must* be descended from them.' A suggestion

that the arms or the necessary proofs of descent are not registered at the College of Arms as a rule produces a sneer concerning a payment of fees to the heralds. When it is pointed out that the College of Arms acts under the authority of the Earl Marshal, the sneer is transferred to him. Certainly I have never heard it actually carried back to her Majesty, but logically, of course, there is no reason why it should not be, for the Earl Marshal acts under the direct authority of the Sovereign. Consequently, it is just as well to make it perfectly plain that the authority really does exist in the person of the Sovereign, and in the next place, that it has been by the Sovereign, within certain limits, definitely, legally, and in all due form, delegated to the Earl Marshal and the Officers of the Corporation of the College of Arms in and for England, Wales and the Colonies, to Lyon King of Arms in and for Scotland, and to Ulster King of Arms in and for the kingdom of Ireland.

I should be sorry to commit myself to any definite statement as to the earliest instance of the assertion by the Crown of its authority over and control of armorial matters. Most writers content themselves with a reference to the writ of Henry V., which I quote on page 44. But certainly the Crown must have been recognised as the authority at a much earlier date, for in 10 Edward II. (1317) a licence is said to have been granted to Edmund

Deincourt to transfer his name and arms to Isabella, his heir presumptive. The only licence, however, now upon the Patent Rolls to Edmund Deincourt which I have been able to find, relates to the disposal of his lands. It refers in the preamble to the name and arms, but these are not thereinafter specifically dealt with, and if this really be the licence in question, the concession of the permission for the change must be *presumed* inferentially from the preamble and from the licence to settle the estates. But another and a *previous* licence is referred to in the licence of 1317, and this other I have been unable to find.

Per contra, Lord Hoo had made a grant of name and arms without the King's licence, and this was adjudged void. I have not the exact date of this, but Lord Hoo died February 13, 1454-5.

Here, however, is the very earliest instance I can find of the existence and exercise of authority and control in relation to Coat-Armour. I refer to the well-known Scrope *v.* Grosvenor case. This is extremely important, for it affords conclusive evidence that even at that date (1390) there was such a matter as law and order in the use of arms. Apparently one person had a remedy against another; an appeal lay to the Marshal and Constable, who sat as judges with authority, not only to adjudicate between two disputants but with authority to assign arms; and, more than

all, the case shows plainly that the right of appeal was to the King *personally*, who not only decided the case, but of his own motion quashed the arms assigned by the Constable to Sir Robert Grosvenor. The case can be found summarised in Part V. of the *Herald and Genealogist* (June 1863). As every one knows, after a protracted hearing before the Constable and the Deputy of the Marshal, the famous coat 'Azure, a bend or' was allowed to Sir Richard le Scrope as his rightful arms. The Constable in his judgment assigned to Sir Robert Grosvenor the Arms 'Azure, a bend or, with a plain bordure argent.' Sir Robert Grosvenor at once appealed to the King.

The final judgment recites the original sentence by the Constable, and condemnation of Sir Robert Grosvenor in the costs, with reservation of the taxation of the same. The King, considering the great and frivolous delays in the cause, and that the Commissioners have fully suspected and diligently examined all the acts produced, and the witnesses in the first as well as in the second instance, with full and mature deliberation, had with his uncle the Duke of Acquitaine and Lancaster and other learned persons, declared the sentence and judgment pronounced by the Constable as aforesaid to have been in all points good and lawful—that is to

say, that the arms, 'Azure, a bend or,' do appertain to the said Sir Richard le Scrope, and doth ratify and confirm the same, adjudging the said arms to Sir Richard and his heirs, and laying and imposing upon Sir Robert Grosvenor and his heirs perpetual silence in respect of the bearing of such arms entire or with difference, and condemning him, the said Sir Robert and his party, in the costs and expenses of the said Sir Richard, the taxation whereof the King reserves to himself or his Commissioners. And whereas the said Constable hath of his courtesy awarded and ordained to the said Sir Robert, to bear the arms, 'Azure, a bend or, with a plain bordure argent,' the King, nevertheless, considering the premises, and that such bordure is not a sufficient difference in arms between two strangers [in blood] in one kingdom, 'but only between cousin and cousin in blood; considering also that the said Sir Robert hath in his libel of appeal demanded generally that the said sentence should be cancelled and annulled, and also that in his two objective informations to the Commissioners he had alleged that the award and ordinance of the said arms with a plain bordure was erroneous, inasmuch as he had never demanded such arms, requiring that such award and ordinance so made should be cancelled and annulled; and considering further that the said Richard hath

preferred the same requisition; the King therefore cancels and annuls the said definitive sentence accordingly. Given and promulgated as the King's definitive judgment, in the great chamber called the Chamber of Parliament within the Royal Palace of Westminster, the 27th of May, in the thirteenth year of his reign.

Here is another instance a year or two later:—

'P' Thoma Comite Marescallo et Notyngh'.*

'R' Om'ibz ad quos etc. sal't'm. Sciatis q'd cum dil'c'us et fidelis Consanguineus n'r Thomas Comes marescallus et Notyngh' h'eat iustu' titulu' hereditatiuu' ad portand' p' cresta sua vnu' leopardum de auro cum vno labello albo† qui de iure esset cresta filii n'ri primogeniti si quem procreassem.' Nos ea considerac'o'e concessim' p' nob' et heredibz n'ris eidem Thome et heredibz suis q'd ip'i p' differencia in ea p'te deferre possint et deferant vnu, leopardum et in loco labelli vna' coronam de argento† absqz impedimento n'ri vel heredu'

* Patent Roll (339), 17 Ric. II., Pt. i, mem. 2.

† It is worthy of note, by the way, that whilst the label is blazoned 'white,' the crown is blazoned argent. The Royal labels are always white, and if the distinction is adhered to, it of course does away with the apparent impossibility of depicting the label upon the 'unicorn argent.' It has been stated that the white label is reserved for the Royal Family. Whilst the existence of such a rule is not asserted at the College of Arms, it is a significant fact that no official exemplification of a 'white' label exists to any arms other than the Royal Arms, and I myself do not know of an instance of an 'argent' label.

n'ror' sup'd'c'or'. In cuius etc. T. R. apud Westm' xii die Januar [17 Ric. II.].

'p' br'e de priuato sigillo.'

The translation of the foregoing is as follows :—

'The King to all to whom, etc., Greeting: Know that, whereas our well-beloved and faithful kinsman, Thomas, Earl Marshal and Earl of Nottingham, has a just hereditary title to bear for his crest a leopard or, with a white label,* which would be of right the crest of our eldest son if we had begotten a son. We, for this consideration, have granted for us and our heirs to the said Thomas and his heirs that for a difference in this behalf they shall and may bear a leopard, and in place of a label a crown argent,* without hindrance from us or our heirs aforesaid,—In witness, etc. Witness the King at Westminster, the 12th day of January [17 Ric. II.].

'By writ of Privy Seal.'

I am told of a general armorial edict as early as the reign of Richard II. Whether such an edict ever existed or not I cannot say, for I have been unable to learn anything whatsoever about its existence or its tenor. But I imagine no one will be so foolish as to question the fact that sufficient power and authority were vested in the person of King Henry V. to make and enforce such regulations as he thought necessary.

Certain is it that in the year 1418 he issued a writ, of which a copy follows :—

* *Ibid.*, †, p. 42.

WRIT OF HENRY V. REGULATING COAT-ARMOUR, 1418.*

'Rex Vicecomiti salutem, etc. Quia, prout informamur, diversi homines, qui in viagiis nostris ante hæc tempora factis, Arma & Tunicas Armorum vocat, Coat-Armours in se susceperunt, ubi nec ipsi nec eorum Antecessores hujusmodi Armis ac Tunicis Armorum temporibus retroactis usi fuerint, & ea in presenti viagio nostro in proximo, Deo dante, faciend' exercere proponant; & quanquam Omnipotens suam gratiam disponat prout vult in naturalibus, equaliter Diviti & Pauperi; volentes tamen quemlibet Ligeorum nostrorum predictorum juxta status sui exigentiam modo debito pertractari & haberi: Tibi precipimus, quod, in singulis locis intra Ballivam tuam, ubi per breve nostrum nuper p'monstris faciendis p'clamari demandavim' publico ex parte n'ra proclamari fac' quod nullus cujuscunque status, gradus, seu conditionis fuerit, hujusmodi Arma sive Tunicas Armorum in se sumat, nisi ipse jure antecessorio, vel ex donatione alicujus ad hoc sufficientem potestatem habentis, ea possideat aut possidere debeat. Et quod ipse Arma sive Tunicas illas ex cujus dono obtinet die monstrationis sue, personis ad hoc per nos assignatis seu assignandis manifeste demonstret, exceptis illis qui nobiscum apud bellum de Agincourt arma portabant, sub pœnis non admissionis ad proficiendum in Viagio predicto sub numero ipsius cum quo retentus existit, ac perditionis vadio-

* Close Roll, 5 Henry V., mem. 15.

rum suorum ex causa predicta perceptorum, necnon rasura & ruptura dictorum Armorum & Tunicarum, vocat' Coat-Armours, tempore monstrationis sue predicto, si ea super illum monstrata fuerint seu inventa. Et hoc nullatenus omittas. T. R. apud Civitatem Nov, Sarum, secundo die Junii.

'Per ipsum Regem.

'Consimilia Brevia diriguntur Vicecomitibus Wilts, Sussex, Dorset, sub eadem data.'

Of the foregoing, the following may be taken as an exact translation :—*

'The King to the Sheriff, greeting, etc.—Whereas, as we are informed, [of] divers men who, on our journeys heretofore made, assumed unto themselves Arms and Coats of Arms, called Coat-Armours, in cases where neither they nor their ancestors in times gone by used such Arms and Coats of Arms, and propose to make use of them in our present journey, now, God willing, just about to be made ; and, although the Almighty distributes his favours in nature according to his will, equally to the rich man and to the poor ; nevertheless we, willing that each of our lieges aforesaid should be held and considered as his rank demands, charge you to cause to be publicly proclaimed on our behalf, in all places within your Bailiwick, where by our writ we have lately commanded proclamations to be made for the holding of musters,

* Similar writs are addressed to the Sheriffs of Wilts, Sussex, and Dorset.

> that no one, of whatsoever rank, degree or condition he may be, shall assume such Arms or Coats of Arms, unless he possesses or ought to possess the same in right of his ancestors, or by the gift of some person having adequate power for that purpose. And that he shall plainly show forth, on the day of his mustering, by whose gift he holds those Arms or Coats of Arms, to the persons for this purpose by us assigned or to be assigned, those excepted who bore arms with us at the battle of Agincourt, under pain of not being admitted to take part in the journey aforesaid in the train of him by whom he may have been retained, and of the loss of the wages received by him on the said account, together with the stripping off and breaking up of the Arms and Coats called Coat-Armours aforesaid, on his mustering aforesaid, if they shall have been displayed or found on him. And this you are in no wise to omit. Witness the King at the City of New Sarum, 2 June [5 Hen. V.].
>
> 'By the King himself.'

It is on this writ that I take my stand for the statement that the authority was vested in and assumed and asserted—arrogated, if you like—by the King. There cannot be anything clearer or more definite than the clause ending: Et quod ipse arma sive tunicas illas ex cujus dono obtinet die monstrationis sue personis ad hoc per nos assignatis seu assignandis manifeste demon-

stret exceptis illis qui nobiscum apud bellum de Agincourt arma portabant.'

Since the date of that proclamation, the sole power and authority concerning arms has remained with and has been asserted by the Crown. The continuity has never lapsed ; there has been no interregnum ; there has been no waiving of the control ; and though in modern times the enormous powers formerly exercised by the officers of arms have not been rigidly or objectionably enforced, the power and authority has remained, and *still exists* in its absolute entirety.

There are those of that certain class of mind which is quite content to accept anything as gospel for which there is Shakesperean authority. For their benefit I quote the following, for it is not unlikely that Shakespeare had this writ in mind, or perhaps it was a matter of common knowledge in his day that use of arms at Agincourt was accepted as proof of gentility, when he put these words into King Henry's mouth on the eve of that great battle (Act IV., scene iii.) :—

> 'We few, we happy few, we band of brothers ;
> For he to-day that sheds his blood with me
> Shall be my brother ; be he ne'er so vile,
> This day shall gentle his condition.'

After the restoration Charles II. issued a warrant, a copy of which is now preserved in the College of Arms, in the course of which he re-

asserted that matters of names and arms were matters in the sole prerogative of the Crown. I append a copy of that part of it which relates to my subject. The Warrant is dated June 6th, 1679, and recites that the Duke of Newcastle had represented that his son and heir-apparent, Henry, Earl of Ogle, had married Elizabeth, Lady Percy, sole daughter and heir to Jocelin, late Earl of Northumberland, deceased, and had 'earnestly besought us to grant our Royal assent, leave and allowance That he the said Henry, Earl of Ogle, and the descendants of his body by the said Eliz., Lady Percie, may assume and take the Surname of Percie and bear the Armes of Percie quarterly with his own Paternall Armes, *neither of which may regularly be done according to the law of Armes without y^e^ speciall dispensacon and Licence of us, as we are by Our Supream power and Prerogative the onely Fountain of Honour* Know ye therefore that we of our Princely Grace and Speciall Favour, at y^e^ humble request of the said Duke of Newcastle and Earl of Ogle, have given and Granted, and do by these presents give and grant, unto him the said Earl of Ogle and to the heirs and descendants of his body to be begotten on y^e^ sd. Eliz. Lady Percie now his wife, and to every of them full power, licence and authority to assume and take,' etc., etc.

The Patent goes on to recite the permission given, and ends with a clause requiring the

warrant to be duly registered in the College of Arms.

The Sovereign, of his or her direct initiative and mere motion, in ancient times occasionally directly intervened in armorial matters. At the present day the same practice is *still* carried out. The Kings of Arms in England, for example, have no power in themselves to grant the lawful arms of one family to another family, and in England and Ireland a Royal Licence under the Privy Seal and actual sign-manual of the Sovereign is necessary if it is wished to assume the arms of another family. In one or two cases, *e.g.*, in the granting of arms to a Colony, the Sovereign has, even in the present reign, granted arms direct by means of a Warrant merely commanding such arms and warrant to be recorded in the Heralds' College. This is then done, and such arms exist simply on the strength of the Warrant, no formal Patent being issued by the Kings of Arms. A similar course is adopted when arms are assigned to the different members of the Royal Family. Probably it is news to many that the Royal Arms as such are not hereditary, in the ordinary sense of the word, and a separate warrant issues for each individual. But all such Royal Warrants relating to Arms *are always required to be, and are, recorded* in the College of Arms. The following is an example of an ancient grant of arms direct from the Sovereign :—

ME'D Q'D ISTA BILLA LIB'ATA FUIT D'NO CANCELLAR' ANGL' XIX° DIE MAII ANNO XXVIJ EXEQUEND'.*

'Placeat supp'mo d'no n'ro Regi de gr'a v'ra sp'ili graciose co'cedere fidelibus ligeis v'ris Rogero Keys cl'ico et Thome Keys fr'i suo vr'as litteras patentes tenorem subsequentem in debita forma co'tinentes Rex etc. Om'ibz ad quos p'sentes l're p'uen 'int sal' t'm. Cum p'ncipis cuius-cu'qz intersit et deceat suos subditos p'cipue illos qui sibi s'uicia impendent honoribz p'uilegiis et dignitatibz p'miare et decorare ut ad h'mo'i s'uicia impend' citius animent' et fiant p'm'ciores hinc est q'd nos co'sideraco'em h'entes ad grata et laudabilia s'uicia que dilectus cl'icus noster Rogerus Keys multiplicit' ac diu'simode nobis ta' in op'ac'o'is n'ris edificac'o'is Collegii nostri Regalis b'te Marie de Eton iux'ª Windesor' q'm alias impendit et impendet infutur' volentes qz eid'm Rogero ac Thome Keys fr'i suo et suis sup' p'dict' honoribz p'iuilegiis et dignitatibz gr'am n'ram impartire eosd'm Roger' et Thoma' tanq' b'n' merit' 'se nobis h' at' necnon ab eod'm Thoma p'creatos et procreand' et descendentes ab eod'm nobilitamus nobiles q' facimus et creamus. Et in signu' h'mo'i nobilitat' arma et armor' insignia in hiis p'ntibz n'ris l'ris depicta† cum libertatibz immunitatibz

* In the Museum of the P.R.O. (central stand). This of course is not the actual document making the grant. The formal grant, however, is known to have been issued, and was no doubt issued in the terms prayed.

† The arms in question were depicted per chevron gules and sable, three keys erect, wards upwards, or.

priuilegiis Franchesiis juribz et aliis insigniis viris nobilibz debit' et consuet' imp'p' dam, et concedimus p' p'sentes. In cuius rei testimoniu' has l'ras nostras fieri fecim' patent' T meip'o etc.'

Of the foregoing document the following is a translation :—

MEMORANDUM THAT THIS BILL WAS DELIVERED TO THE LORD CHANCELLOR OF ENGLAND ON THE 19TH DAY OF MAY IN THE 27TH YEAR.

'May it please our supreme lord the King of your especial grace graciously to grant to your faithful lieges Roger Keys, clerk, and Thomas Keys, his brother, your letters patent in due form, of tenor as follows :—

'The King, etc., to all to whom these present letters shall come, greeting. Whereas it behoves and becomes every prince to reward and adorn with privileges and dignities all his subjects, especially those who render him services, that they may be the better encouraged to perform such services, and may be rendered the more prompt therein, we, having regard to the good and praiseworthy services of divers kinds rendered to us on many occasions by our beloved clerk, Roger Keys, both in the work of building our Royal College of the Blessed Mary of Eton by Windsor, and in other ways, and which he will continue to render us, desirous of bestowing our favour on the said Roger and Thomas Keys, his brother, and his [? family] as regards the said honours, privileges and dignities, we ennoble, and make and create noble, the said Roger

> and Thomas, on account of their deserts at our hands, together with the heirs, begotten or to be begotten, and the descendants of the said Thomas ; and in token of this nobility, we give and grant by these presents for ever the arms and coat of arms in these our present letters depicted,* with the liberties, immunities, privileges, franchises, rights and other distinctions due and accustomed to noblemen. In witness whereof we have caused these our Letters to be made Patent.
>
> ' Witness myself, etc.'

A specific Royal Warrant is also necessary in the case of each and every 'augmentation of honour' to a coat of arms or crest. Up to the present time (and certainly for more than the last century) every such Royal Warrant has contained a clause making the grant conditional, and only operative upon its being recorded in the College of Arms. In fact, the Warrant nowadays is usually more in the nature of a specific authority to the Officers of Arms to issue the grant of and duly record the Royal concession of grace. Without such a warrant any addition to a coat of arms is merely an alteration of it, and *not* an augmentation.

A very common little failing, by the way, is this : When a family have been illegally making use of arms for some time, and are then, for some reason or other, induced or required to place their armorial

* *Ibid.*, †, p. 50.

matters upon a legal footing, and a patent of arms is obtained under the hands and seals of the Kings of Arms, the coat of arms which has previously been in use is never granted to the person intact. If a desire for a coat similar to the one in use be preferred, some alterations and additions to it are of course introduced, varying according to the discretion of the Officers of Arms and the circumstances of the case, in order to render it a *different* and *new* coat of arms, and to satisfy the requirements of one of the rules of the College that no two coats of arms which may be granted by its officers shall be alike. The usual tale which one is *told*—if the fact of the grant being modern by any chance transpires—is, if you please, that the alterations and additions are 'augmentations.' Some of the older grants simply made *additions* to the coats which had been previously used, and this, to an ordinary individual, might lend some semblance to the idea. But to the propagators of such cheerful little fables I would add this fact to their knowledge: An 'augmentation' requires, as explained above, a special Warrant from the Sovereign. The 'augmentations' legitimately existing are very few in number, and are very well known. A complete list of all augmentations, which it has long been an ambition of mine to publish, would occupy but little space. I have notes of most, if not of all, but I have no sufficient means

of ensuring that my list would be complete to warrant my putting it into type.

Here I only refer to the matter of augmentations to illustrate the direct action of the Sovereign, and for this purpose I append copies of the grant by King Henry VIII. of the Howard augmentation to commemorate the victory at Flodden Field,—of the Royal Warrant from Her Majesty Queen Victoria authorising and granting the Speke augmentation,—and of the Letters Patent which, following upon the Royal Warrant therein referred to, granted the augmentation to the Family of Ross-of-Bladensburg.

THE HOWARD AUGMENTATION OF ARMS.*

To Commemorate the Victory of Flodden.

(Being a part of the Letters Patent conferring the Dukedom of Norfolk.)

'R' om'ibz ad quos etc., Sal't'm . . . . Et ut illa victoria impost'um h'eat' in memoria & cunctis videat' p'petta fuisse conducio'e regimine & gub'naco'e d'c'i Consanguinei n'ri de ub'iori gr'a n'ra dam' & concedim' p'fato Duci & hered' suis temporibz futuris imp'p'm in signu' illius victorii q'd ip'e Dux & hered' sui p'd'c'i portent & gerant in medio bende armor' p'prii no'is p'fati Ducis. videl't scuto de haward integram medietatem sup'ioris partis leonis rubei sagitta ore confossi depictat' q' rectis coloribus Armor' regni Scocie, que d'c'us idem

* Patent Roll, 621, 5 Hen. VIII., Pt. ii., mem. 13.

Jacobus nup' Rex Scotor' portavit h'end' tenend' & gerend' d'c'am medietat' sup'ioris partis leonis rubei sagitta ore confossi depictat'q' modo & forma p'dict' p'fato Duci & hered' suis p'd'c'is imp'p'm . . . .

'T. R' apud Westm' primo die Februarii.

Translation of the foregoing Grant of the Augmentation of Arms:—

'The King to all to whom, etc., greeting . . . . And in order that that victory [the Battle of Flodden] may hereafter be had in memory, and that it may appear to all that it was achieved by the generalship, guidance and governance of our said cousin, of our more ample grace we give and grant to the aforesaid Duke and his heirs as a sign of the said victory for all time to come, that the said Duke and his heirs aforesaid shall carry and bear in the middle of the bend of the arms of the proper name of the said Duke, to wit on the shield of Howard, a demy lion gules, pierced in the mouth with an arrow, depicted in the colours proper to the arms of the Kingdom of Scotland, which the said James, late King of Scots bore, to have and hold the said demy lion gules, pierced in the mouth with an arrow, and depicted in the manner and form aforesaid to the said Duke and his heirs aforesaid for ever . . . .

'Witness the King at Westminster, the first day of February [1514].'

GRANT OF AUGMENTATION OF ARMS AND SUPPORTERS TO THE FATHER OF CAPTAIN SPEKE, THE DISCOVERER OF THE SOURCES OF THE NILE.*

'VICTORIA R.—Whereas we, taking into our Royal consideration the services of the late JOHN HANNING SPEKE, Esquire, Captain in our Indian Military Forces, in connection with the discovery of the Sources of the Nile, and who was, by a deplorable accident, suddenly deprived of his life before he has received any mark of our Royal favour; and being desirous of preserving in his family the remembrance of these services by the grant of certain honourable armorial distinctions to his family arms:—

'Know ye that we, of our princely grace and special favour, have given and granted, and by these presents do give and grant unto WILLIAM SPEKE, of Jordans, in the parish of Ashill, in the county of Somerset, Esquire, the father of the said JOHN HANNING SPEKE, our Royal Licence and Authority that he and his descendants may bear to his and their armorial ensigns the honourable augmentation following: that is to say—On a chief a representation of flowing water superinscribed with the word NILE; and for a crest of honourable augmentation a crocodile; also the Supporters following: that is to say—On the dexter side a Crocodile, and on the sinister side a Hippopotamus, provided that the same be first duly exemplified according to the Law of Arms, and recorded in our College of Arms, etc.

* This is reproduced from the Appendix to Woodward & Burnett's *Treatise on Heraldry*.

'Given at our Court of St James's, the 26th day of July 1867, in the thirty-first year of our Reign.

'By Her Majesty's Command,

'GATHORNE HARDY.'

THE PATENT GRANTING THE AUGMENTATION TO COMMEMORATE THE BATTLE OF BLADENSBERG.

'**To all and singular** to whom these present shall come SIR ISAAC HEARD Knight GARTER Principal King of Arms and GEORGE HARRISON Esquire CLARENCEUX King of Arms of the South and West Parts of England from the River Trent Southwards send Greeting Whereas His Royal Highness the PRINCE REGENT by Warrant under HIS MAJESTY'S Royal Signet and the Sign Manual of His Royal Highness in the Name and on the Behalf of His Majesty bearing date the Twenty-fifth day of August last did signify unto the Most Noble CHARLES late Duke of Norfolk Earl Marshal and Hereditary Marshal of England deceased that taking into consideration the highly distinguished Services of the late ROBERT ROSS Esquire Major General of His Majesty's Forces and Lieutenant Colonel of the 20th Regiment of Foot deceased upon divers important occasions and the signal Intrepidity displayed by him in the brilliant action with the Enemy on the Plains of Maida in Calabria and throughout the recent arduous and Splendid Achievements of His Majesty's Arms in the Peninsula particularly at the memorable Engagement at Corunna and in the several brilliant and decisive Actions with the

Enemy at Vittoria in the Pyrenees and at Orthes and more especially the Ability Promptitude and Energy with which on the 14th day of August 1814 with the Troops under his command he accomplished the Capture of the City of Washington in America after having on the same day defeated the Army of the United States at the Village of Bladensberg although greatly superior in Force and strongly posted with Cannon And considering also that the said Major General unfortunately but gloriously fell at the head of His Majesty's Troops under his Command on the 12th day of September following in an arduous attempt to gain possession of the Town of Baltimore And being desirous to commemorate these important Services His Royal Highness had been pleased to give and grant HIS MAJESTY'S Royal Licence and Permission that the following honourable Armorial Ensigns may be placed on any Monument to be erected to the memory of the said Major General Ross viz^{t} "Per fess embattled in Chief a dexter Arm embowed and encircled by a Wreath of Laurel the Hand grasping the Colours of the United States of America the Staff broken On a Canton a representation of the Gold Cross with which HIS MAJESTY was pleased to honour the said Major General in testimony of His Royal Approbation of his Services in base the Arms of Ross of Ross Trevor" with this Motto "BLADENSBERG." And for Crest in addition to that of Ross the following Viz^{t} "Out of a Mural Crown a dexter Arm grasping the Colours as in the Arms"

And His Royal Highness did further grant and ordain that the said honourable Armorial Distinctions may be borne and used by ELIZABETH CATHERINE ROSS Widow and Relict of the said Major General during her Widowhood and by his Descendants and that she and they may henceforward be called "ROSS OF BLADENSBERG" as a Memorial to them and to His Majesty's beloved subjects in general of the Loyalty Ability and Valour of that highly distinguished Officer whose valuable Life was thus gloriously devoted to the Service of his Country Provided the said honourable Armorial Distinctions be first duly exemplified according to the Laws of Arms and recorded in the Heralds' Office otherwise the said Royal Licence and Permission to be void and of none effect And forasmuch as HENRY THOMAS HOWARD MOLYNEUX Esquire Deputy with the Royal Approbation to his Brother the Most Noble BERNARD EDWARD Duke of Norfolk Earl Marshal and Hereditary Marshal of England did by Warrant under his hand and seal bearing date the twentieth day of April instant authorize and direct us to exemplify such honourable Armorial Distinctions accordingly Know ye therefore that We the said GARTER and CLARENCEUX in obedience to the said Royal Command in pursuance of the said Warrant and by Virtue of the Letters Patent of our several Offices to each of Us respectively granted do by these Presents exemplify the honourable Armorial Distinctions following that is to say Per fess embattled Argent

and Or in Chief issuant a dexter Arm embowed vested Gules Cuff Azure encircled by a Wreath of Laurel the hand grasping a Flag Staff broken in bend Sinister therefrom flowing the Colours of the United States of America proper in Base the Arms of Ross of Ross Trevor on a Canton of the third pendent from a Ribband a Representation of the Cross presented by Command of His Majesty to the said late Major General in testimony of his Royal Approbation of his Services with the Motto "Bladensberg" And for a Crest of honourable Augmentation in addition to the Crest of the Family of Ross of Ross Trevor the following that is to say On a Wreath of the Colours Out of a Mural Crown Or a dexter Arm grasping the Colours as in the Arms as the same are in the Margin hereof more plainly depicted the said Arms and Crest to be placed on any Monument to be erected to the Memory of the said late Major General Robert Ross and to be borne and used for ever hereafter by his Descendants and the said Arms to be borne and used by her the said Elizabeth Catherine Ross during her Widowhood according to the Tenor of the said Royal Warrant and the Laws of Arms In Witness whereof We the said Garter and Clarenceux Kings of Arms have to these Presents subscribed our Names and affixed the Seals of our several Offices this twenty-sixth day of April in the Fifty-sixth year of the Reign of our Sovereign Lord George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King

Defender of the Faith etc. and in the year of our Lord One thousand eight hundred and sixteen.

'ISAAC HEARD Garter Principal King 'of Arms.

'GEORGE HARRISON Clarenceux King 'of Arms.'

One last proof of the presently operative direct action of the Sovereign:—Each successive Duke of Norfolk is personally invested by the Sovereign, who, on his succession, hands to each Earl Marshal the baton or staff, which is the outward symbol of his office. The present Earl Marshal was so invested in January 1869.

So much in proof of the direct action and interference of the Crown. I have shown the authority to exist, I have shown the continuity of such direct action by the Crown from early times into the present reign.

But it is only in very special circumstances that the Crown directly exercises its prerogative.

CHAPTER II

THE EARL MARSHAL

THE Crown has delegated in England much of its authority—in fact, most of the details of the granting and control of armorial bearings—to the Earl Marshal and the officers of the College of Arms.

Anciently the offices of High Constable and Marshal, though held by different people, were much interwoven.

Briefly, the duties attached to the office of High Constable were these:—He held the chief command in the army and had cognisance of all military offences; he regulated all matters of chivalry, such as tilts and tournaments and feats of arms; he was the supreme judge in the Court of Chivalry, in which he sat in conjunction with the Earl Marshal. In 13 Richard II. (1389-90) a statute was passed to check the encroachments of their Court upon the other courts of law, and its jurisdiction was restricted to 'contracts and deeds

of arms,' and 'things which touch war, and which cannot be discussed or determined by the common law.'

Camden disposes of this subject thus :—'Profitless questions have also arisen which of these two was chief. In early times the Constable took precedence, but as judges they were equal. The following writ is relied upon to show that the Constable was principal, but it may only convey that either could initiate an action, and the Constable in this does do.'

A Writ out of the Court of Chifalry.

'Jehan, filz, frere, & Uncle au Roys, Duc de Bedford, Conte de Richmond & de Kendall, & Connestable d'Angleterre, a nostre trescher cousin Jehan, Duc de Northfolk, Mareschal d'Angleterre Saluz. Nous vous mandons & chargeons que vous facez arrestre & venir devant nous ou nostre Lieutenant a Westminster, a la quinsieme du Saint Hillari, prochain venant, William Clopton, du Counte de Suff, Esquier, pour adonques respondre devant nous ou nostre Lieutenant en la Courte de Chivalree a Robert Dland, Esquier, du Counte de Nicholl, de ce que le dit Robert adonques luy surmettra par voie darmes, touchant ce, qu'il fauxment & encontre honeste & gentilesse d'armes, admis & appose le seel de ses armes a un fauc & forge fait, as dammages du dit Robert, de C[l] & plus : a ce qu'il di remandantz par devers nous a dit jour ou iceste nostre mande-

> ment, cous ce que vous en aurez faitz. Donne soubz le seal de nostre office, le xxiij jour de November, l'an de regne nostre Seigneur le Roy Henry Sisme, puis le Conquest d'Angleterre, cestisme.' 1428.—(Camden's *Remaines,* by Phillipot, 1674, p. 240).

'That other great officer of state, the Marshal of England, was termed simply Lord Marshal, until the title of Earl Marshal was bestowed on Thomas Mowbray, Earl of Nottingham, by King Richard II. in 1386. The patent, dated 12th January in that year, increased the powers attached to the dignity; he is therein authorised to preside in the Court of Chivalry, to summon the heralds to assist him, etc., etc.; previously he had only sat in conjunction with the Constable (Pat. Roll, 9 Richard II., Part i., memb. 38; *Dallaway*, p. 93).'

The foregoing quotation I take *verbatim* from *The Earl Marshal's Court of England*, by George Grazebrook, F.S.A.* The information may be perfectly accurate, but I have failed to find the patent in question upon the Patent Rolls. The reference given is manifestly an incorrect one. There is a grant of the Marshalship to Thomas, Earl of Nottingham, 30 June, 4 Ric. II., in place of Thomas, Earl of Kent, and 10 Feb. 1397 the Earl of Nottingham was constituted Earl Marshal.

The Earl Marshal accompanied the Royal Court in its journeyings, and his jurisdiction extended

* I gratefully acknowledge having taken many extracts from this book.

for twelve leucas (miles), to the 'verge' of the Court.* This was confirmed by patent (Pat. Roll, 13 Edward III., Part ii., memb. 33; and 36 Edward III., Part iii., memb. 23). His Court took cognisance of all matters relating to honour, arms, and pedigree, and directed the proclamations of peace and war; it was the Curia Militaris or Court of Chivalry; during times of war it was with the army, and in times of peace sat in the Aula Regis or King's Court; and when the ancient Aula Regis came to be divided among new branch courts, the Marshals appointed deputies—in the King's Bench, the Marshal of the Marshalsea, or Marshal of the King's Bench. In the Exchequer, the deputy was named Marshal of the Exchequer, or Clerk of the Marshalsea of the Exchequer. Appeals from the Earl Marshal's Court could be carried into the King's Bench (*Dallaway*, 95, 289). Francis Thynne, *Lancaster Herald*, writing under date 3rd March 1605 (Hearne's *Curious Discourses*, ii., p. 156), says: 'The Earl Marshal's Court had power to imprison and commit to the Marshalsea. The Constable and Earl Marshal have a law by themselves, and the common law takes cognisance of it and concurs; and just in the same way it concurs in ecclesiastical law.'—See the judgment by Mr Justice Needham, sitting with the Justices Ashton, Moyle, and Prisott. Mr Justice Needham pro-

* *Verge*, *i.e.*, the 12-mile compass or radius.

nounced, 'Le comen Ley prendera conizance de Ley de le Conestable et Marshal: car en appelle de morte est bone justificacione que le morte, luy appelle de Treasone devant le Conestable et Marshal par qui ils combateront la, er le defendant vanquisht le morte al mort: Et c'est bone justificatione al comen Ley: Et Ashton et Moyle concesserunt que comen Ley prendra notice del Ley del Conestable et Marshal: Tamen Prisott contra: Mes puis ques les trois disont, ut supra: Prisott non negavit.' The above decision seems to have been given before 1461. Many great causes, bearing entirely on heraldic matters, have come before this Court. *Dallaway*, pp. 79, 80, notices as the most remarkable, Harding and St Loe, 1312; Warburton and Georges, 1321 (Coker's *History of Dorset*, p. 25); Sitsilt and Fakenham, 1333 (Collins' *Peerage*, vol. iii., p. 108); Scrope and Grosvenor, 1389 (Dugdale's MSS., Ashmol. Mus. Oxon.; Sir N. Harris Nicolas published the Roll in 1832; *Herald and Genealogist*, vol. i.); also Hugh, Lord Maltby, against Hamond Beckwith, for having assumed his arms, 1339. A mandate was issued, 18th January 1339, summoning Beckwith to produce 'such evidence and records of arms as we shall allow, and to appear before us on 14th October.' Beckwith proved his right to the satisfaction of the Court, and received a certificate confirming to him the right to bear the disputed arms. The severest

punishment which could be inflicted by this Court was degradation from the honour of knighthood. This was entirely, I suppose, social and heraldic—there seems to have been no fine or money—and it was decreed with the utmost reluctance. Only three instances of such jurisdiction of the Court remain on record: Sir Andrew Barclay, 1322; Sir Ralph Grey, 1464; and Sir Francis Michell in 1621. In 1568, Thomas, Duke of Norfolk, then Earl Marshal, issued statutes and regulations as to the process of his Court. These may be found at length in Vincent's *Precedents* (Coll. of Arms), p. 52, (*Dallaway*, p. 267), and are printed by Edmondson, i. 143. In the College of Arms are a good many abstracts of cases that came before this Court, with the judgments upon them; these were the notes taken by various heralds for their private use. Here is an example:—(3) 30th Nov. 1637.—Sir Richard Blount *v.* Sir Francis Moore, for using the arms of Moore of Barcaster. It appears that Sir Francis had no right, but was descended from the Moores of Barfield, co. Berks, whose coat he may lawfully bear.

In January 1667 Sir Edward Walker, Garter, entered a complaint against Henry Parker, painter-stainer, in the Earl Marshal's Court, for the offence of marshalling a funeral, when Parker was committed to the Marshalsea. Under a writ of *Habeas Corpus* he was then brought before the

King's Bench, which declared the sufficiency of the Earl Marshal's Court, and sent him back to prison. After his submission, Parker was again brought up at the King's Bench, and that Court, on 2nd February 1668, declared he might go at liberty, being no prisoner of theirs.

I have now shown the origin of the authority of the Earl Marshal and how this authority and control were exercised. Though the Earl Marshal's Court no longer sits, its authority has never been abrogated, nor has the authority of the Earl Marshal been in any way curtailed. That in many directions this power and authority is not enforced at the present day, as it might be, is to be regretted. And having dealt with the office of Earl Marshal, the next step is to show how the authority has come into the hands of His Grace of Norfolk.

I append a copy of the Letters Patent hereditarily vesting the office of Earl Marshal in the Howard family. By virtue thereof the Duke of Norfolk presently holds the office of Earl Marshal, and exercises the jurisdiction appertaining to his office.

DE CON' DIGNTAT' ET OFFIC' HENRICO D'NO HOWARD.*

'Carolus Secundus Dei gratia Anglie, Scotie Francie et Hibernie Rex fidei Defensor etc. Archiepiscopis Ducibus Marchionibz Vice-

* Patent Roll, 24 Charles II., No. 3142.

comitibz Episcopis Baronibus Justiciariis Baronettis Militibus Armigeris Prepositis liberis hominibus ac omnibus Officiariis ministris et Subditis n'ris quibzcunqz ad quos presentes litere prevenerint salutem Cum . . .

. . . . . .

[Here follows grant of the Earldom of Norwich.]

'Cumqz precharissimus Avus noster Jacobus nuper Rex Anglie beate memorie per literas suas patentes geren' dat' vicesimo nono die Augusti Anno Regni sui decimo nono dederit et concesserit Thome nuper Comiti Arundel Surr' et Norfolcie Avo dicti Henrici Domini Howard dictum officium Comitis Mariscalli cum omnibz et singulis suis pertinentiis pro termino vite sue prout per easdem literas patentes plenius apparet Et postea dictus Avus noster per alias literas suas patentes geren' dat' primo die Augusti Anno Regni sui vicesimo recitando ipsum informatum fuisse quod Idem Comes Arundel et Surr' Comes suus mariscallus in nonnullis causis coram ipso in Curia mariscall' adtunc dependent' Judicialiter procedere protraxit ex quibusdam dubiis divulgat' Comitem, Mariscallum, ministrum tantum fuisse ad precepta et judicia constabularii exequenda tametsi idem Avus noster non tantum de absoluta potestate Comitis mariscalli vacante constabulario nunquam dubitavit verum etiam eundem Comitem Mariscallum Constabulario existente una cum eodem Constabulario fore Judicem Tamen in huiusmodi momenti causa absqz deliberac'one extraordinaria prius exhibita procedere non volebat Ideoqz per semet ipsum

et concilium suum privatum satisfactionem amplam per multas et dilucidas probationes accipiens eosdem Constabular' et Comitem Mariscallum conjunctos Judices insimul et seperatim in utriusqz eor' vacac'oe fore idem avus noster per dictas literas suas patentes authorizavit voluit et mandavit eidem Thome Comiti Mariscallo quod deinceps in omnibus causis quibuscumqz unde curia Constabular' et Mariscalli cognitio spectabat adeo judicialiter et definitive procederet prout aliqui constabular' sive Mariscalli huius Regni aut iunctim aut divisum procedebant Quodqz Idem Comes Mariscallus honorabiles processus eiusdem Curie omnibz mediis cum addic'one jurium quorumcumqz eidem spectant' Necnon Recordorum et president' Antiquorum assistantia restituere et stabilire conaretur prout per eisdem literas patentes inter alia plenius liquet et apparet Que quidem litere patentes ultimo menc'onat' et declarac'o in eisdem fact' quatenus menc'o fit in eisdem literis patentibz de absoluta potestate Comitis Mariscalli vacante Constabulariat' aut quod Constabularius et Comes Mariscallus essent conjuncti Judices insimul vel separatim in utriusqz eorum vacatione intelligend' sunt solum modo respectu et relatione habit' ad curiam Constabular' et Mariscalli et in causis unde curie predict' cognitio spectabat Et sic per presentes declaramus et volumus intelligi et quod non extendant ad vel exponi debeant de alia authoritate quacumqz ad officium constabularii solummodo spectant' Sciatis insuper quod nos fidelitatem obsequium et benemerita dicti Henrici Domini Howard

intime contemplantes de ampliori gratia nra speciali ac ex certa sciencia et mero motu nris dedimus et concessimus ac per presentes pro nobis heredibus et successoribus nris damus et concedimus eidem Henrico Domino Howard officium Marescalli Angle ciusdem nomine et honore comitis Marescall. Angle Ipsumq; Henricum Dominum Howard Comitem Marescallum Angle creamus ordinamus et constituimus per presentes Eique Nomen Titulum Statum Authoritatem Jurisdiccionem Dignitatem et honorem Comitis Marescalli Anglie dedimus, Imposuimus et prefecimus ac per presentes damus imponimus et prefecimus ubicum omnibus et singulis dignitatibus precedentiis preheminencijs Jurisdiccionibus profficuis comoditatibus emolumentis advantagijs officijs et nominacionibus officiarior omniumq; aliis privilegijs Juribus potestatibus authoritatibz ceteriq; suis pertinentijs quibuscunq; tam in Curia nris quam alibi eidem officio Comitis Marescalli Anglie qualitercunq; seu quomodocunq; spectantibus aut de jure pertinentibus Ac ulterius per presentes ipsum Henricum Dominum Howard in eodem officio Comitis Marescalli Anglie et ceteris premissis eidem officio ut prefertur pertinentibus investimus et stabilimus et corroboramus in tam amplo modo et forma prout Henricus Dominus Maltravers nuper Comes Arundel Surrey et Norfolcie pater dicti Henrici Domini Howard vel Thomas Comes Arundel Surrey et Norfolcie Avus dicti Henrici Domini Howard vel Thomas nuper Dux Norfolcie Avus dicti Thome Comitis Arundell

Surrey et Norfolcie vel Thomas quondam Dux Norfolcie avus dicti Thome Ducis Norfolcie vel Johannes Mowbray quondam Dux Norfolcie vel aliquis alius Comes Mariscallus Anglie ante hec tempora officium illud habens sive exercens habuit sive exercuit seu de jure habere sive exercere potuit habend' tenend' exercend' et occupand' predictum officium ac omnia et singula authoritates Jurisdicc'ones potestates com'oditates proficua et cetera premissa quecunqz eidem officio qualitercunqz pertinent' sive de jure spectant' eidem Henrico Domino Howard et heredibus masculis suis de corpore suo legittime procreatis et procreandis per se vel per sufficientem deputatum suum aut per sufficientes deputatos suos Et ulterius de vberiori gratia nostra speciali dedimus et concessimus et per presentes pro nobis heredibus et successoribus nostris damus et concedimus prefato Henrico Domino Howard et heredibus masculis de corpore suo sic ut prefertur exeuntibus Quod ipsi et quilibet eor' deputat' rac'one dicti officii habeant gerant et deferant tam in presentia nostra heredum et successorum nostrorum quam alibi Baculum Aureum ad utrumqz finem de Nigro annilatum et cum signo armor' nostror' et heredum et successor' nostror' in superiore fine dicti baculi et cum signo armorum comitis Mariscalli Anglie pro tempore existent' in inferiori fine ejusdem baculi sculpt' et ornat' licite et impune absqz impetic'one nostri heredum et successor' nostror' vel justiciarior' seu alior' ministror' nostror' quor'cumqz heredum vel successorum nostror' Et ut idem Henricus Dominus

Howard et heredes masculi de corpore suo exeuntes ut Comites Mariscalli Anglie juxta nominis sui decentiam honorificentius se habere ac onera ipsis incumbentia manutenere sustinere et supportare valeant ac quilibet eorum manutenere sustinere et supportare valeat de vberiori gratia nostra speciali ac ex certa scientia et mero motu n'ris dedimus et concessimus ac per presentes pro nobis heredibus et successoribus nostris damus et concedimus prefato Henrico Domino Howard et heredibus masculis de corpore suo exeuntibus unum alium an'ualem redditum viginti librar' legalis monete Anglie de exitibus et revenc'o'ibz hanaperii cancellarie nostre heredum et successor' nostror' provenient' sive crescent' per manus custodis sive clerici eiusdem hanaperii aut aliorum occupatorum sive receptorum proficuor' et exituu' ejusdem hanaperii pro tempore existent' ad Festa Annunciac'onis beate Marie Virginis et Sancti Michaelis Archangeli per equales portiones annuatim solvend' Et si contingat prefatum Henricum Howard obire sine herede masculo de corpore suo legitime procreato tunc volumus et per presentes pro nobis heredibus et successoribus n'ris concedimus statuimus et ordinamus quod officium predictum remaneat heredibus masculis de corpore Thome nuper Comitis Arundell' Surrey et Norfolcie Avi dicti Henrici Domini Howard legitime procreatis Quodqz heredes masculi de corpore dicti Thome successive habeant et teneant Officium Comitis Mariscalli Anglie cum suis pertinentiis universis Et Comites Mariscalli Anglie vocentur et nuncupentur Baculumqz Aureum

sic ut prefertur de Nigro annilatum gerant tam in presentia n'ra heredum et successor' nostror' quam alibi idemqz officium exerceant per se vel per deputatum aut deputatos suos sufficientes habeantqz similem an'ualem redditum viginti librar' de revenc'o'ibz dicti hanaperii nostri heredum et successor' nostror' provenient' solvend' iisdem modo et forma et ad similes anni terminos Ademqz privilegia preheminencias ceteraque premissa quecumqz eidem officio spectantia seu annexata in tam amplis modo et forma prout dictus Henricus Dominus Howard et heredes masculi sui predict' virtute harum literar' patentium fruuntur et gaudent seu frui et gaudere debeant et si contingat quod nullus fuerit heres masculus de corpore dicti Thome Comitis Arundell' Surry et Norfolcie Avi dicti Domini Henrici Howard legittime procreatus tunc et pro defectu talis exitus volumus et concedimus et per presentes pro nobis heredibus et successoribus nostris statuimus et ordinamus quod officium predictum remaneat heredibus masculis de corpore Thome nuper Comitis Suffolcie Quodque heredes masculi de corpore dicti Thome Comitis Suffolcie successive habeant et teneant dictum officium Comitis Mariscalli Anglie cum suis pertinentiis universis et Comites Mariscalli Anglie vocentur et nuncupentur Baculumque Aureum sic ut prefertur de Nigro Annilatum gerant tam in presentia nostra heredum et successor' nostror' quam alibi Idemqz officium exerceant per se vel per deputatum aut deputatos suos sufficientes habeantqz similem annualem redditum viginti librarum de revenc'oni-

bus dicti hanaperii nostri heredum et successorum nostror' provenient' solvend' iisdem modo et forma et ad similes anni terminos eademque privilegia preheminentias ceteraque premissa quecunque eidem officio spectantia seu annexata in tam amplis modo et forma prout dictus Henricus Dominus Howard et heredes masculi sui predict' virtute harum literarum patentium fruuntur et gaudent seu frui et gaudere debeant Et si contingat quod nullus fuerit heres masculus de corpore dicti Thome nuper Comitis Suffolcie legitime procreatus Tunc et pro defectu talis exitus volumus et concedimus et per presentes pro nobis heredibus et successoribus nostris statuimus et ordinamus quod officium predictum remaneat heredibus masculis de corpore Domini Willielmi Howard nuper de Naworth in Comitatu Cumbrie legitime procreatis qui quidem Willielmus Dominus Howard fuit filius natu minimus dicti Thome nuper Ducis Norfolcie Quodque heredes masculi de corpore dicti Willielmi successive habeant et teneant dictum officium Comitis mariscalli Anglie cum suis pertinentiis universis Et Comites mariscalli Anglie vocentur et nuncupentur Baculumqz Aureum sic ut prefertur de Nigro Annilatum gerant tam in presentia nostra heredum et successorum nostrorum quam alibi idemque officium exerceant per se vel per deputatum aut deputatos suos sufficientes habeantque similem annualem redditum viginti librarum de revenc'onibus dicti hanaperii nostro heredum et successorum nostrorum provenient' solvend' iisdem modo et forma et ad similes

anni terminos eademque privilegia preheminentias ceteraque premissa quecunque eidem officio spectantia sive annexata in tam amplis modo et forma prout dictus Henricus Dominus Howard et heredes masculi sui predict' virtute harum literarum patentium fruuntur et gaudent seu frui aut gaudere debeant Et si contingat quod nullus fuerit heres masculus de corpore dicti Willielmi legitime procreatus Tunc et pro defectu talis exitus volumus et concedimus et per presentes pro nobis heredibus et successoribus nostris statuimus et ordinamus quod officium predictum remaneat perdilecto et fideli consanguineo nostro Carolo Comiti de Nottingham et heredibus masculis de corpore suo legitime procreatis et procreandis Quodque idem Carolus Comes Nottingham et heredes masculi de corpore suo procreati successive habeant et teneant dictum officium Comitis Mariscalli Anglie cum suis pertinentiis universis Et Comites Mariscalli Anglie vocentur et nuncupentur Baculumque Aureum sic ut prefertur de Nigro Annilatum gerent tam in presentia nostra heredum et successor' nostror' quam alibi idemque officium exerceant per se vel per deputatum suos sufficientes habeantque similem Annualem redditum viginti librarum de revenc'onibus dicti hanaperii nostri heredum et successorum nostror' provenient' solvend' iisdem modo et form' et ad similes anni terminos eademque privilegia preheminentias ceteraque promissa quecunque eidem officio spectantia sive annexata in tam amplis modo et forma prout dictus Henricus Dominus Howard et heredes masculi sui predicti virtute harum

literarum patentium fruuntur et gaudent seu frui et gaudere debeant, volumus etiam ac per presentes concedimus prefato Henrico Domino Howard quod habeat et habebit has literas nostras patentes sub magno sigillo nostro Anglie debito modo fact' et sigillat' absque fine seu feodo magno vel parvo nobis in hanaperio nostro seu alibi ad usum nostrum proinde quoque modo reddend' solvend' vel faciend' Eo quod expressa mentio de vero valore annuo vel de certitudine premissorum sive eorum alicujus aut de aliis donis sive concessionibus per nos seu per aliquem progenitorum sive predecessorum nostrorum prefato Henrico Domino Howard ante hec tempore fact' in presentibus minime fact' existet aut aliquo statuto actu ordinatione provisione proclamatione sive restricc'oe in contrarium inde antehac habit' fact' edit' ordinat' sive provis' aut aliqua alia re causa vel materia quacunque in aliquo non obstante In cujus rei testimonium has literas nostras fieri fecimus patentes Teste meipso apud Westmonasterium decimo nono die Octobris Anno Regni nostri vicesimo quarto.

'Per breve de privato sigillo.'

Translation of the foregoing Grant to Henry, Lord Howard, of the hereditary office of Earl Marshal:—

'Charles the Second, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, etc., to the Archbishops, Dukes, Marquesses, Earls, Viscounts, Bishops, Barons, Justices, Baronets, Knights, Esquires,

Officers, and free men, as all our officials, servants and subjects whomsoever, to whom these present letters shall come, Greeting.—Whereas . . .

[Here follows the grant of the Earldom of Norwich.]

'And whereas our very dear grandfather, James, late King of England, of blessed memory, by his letters patent bearing date the 29th day of August, in the nineteenth year of his reign, had given and granted to Thomas, late Earl of Arundel, Surrey, and Norfolk, grandfather of the said Henry, Lord Howard, the said office of Earl Marshal, with all and singular its appurtenances for the term of his life, as by the said letters patent more at large appears: And afterwards our said grandfather by other his letters patent, bearing date the first day of August in the twentieth year of his reign, reciting that he had been informed that the same Earl of Arundel and Surrey, his Earl Marshal, postponed proceeding judicially in certain causes then pending before him in the Marshal's Court, by reason of certain doubts spread abroad that the Earl Marshal was only attendant upon the precepts and judgments of the Constable, although our same grandfather never doubted not only the absolute power of Earl Marshal, when the office of Constable was vacant, but also that the said Earl Marshal, when the Constable was in office, was a judge together with the said Constable. Nevertheless, in a matter of such moment, he was unwilling to proceed without special deliberation first had, and therefore, having received

ample satisfaction for himself and his Privy Council by means of many and very clear proofs, that the said Constable and Earl Marshal are judges conjointly, acting together or separately in the vacancy of either of their offices, our said grandfather by his said letters patent, authorized, willed, and commanded the said Thomas, Earl Marshal, that thenceforward in all causes whatsoever, the cognisance whereof belongs to the court of the Constable and Marshal, he should proceed judicially and definitively in the same manner and degree as any Constables or Marshals of this Kingdom have proceeded either jointly or severally ; and that the said Earl Marshal should endeavour to reconstruct and establish the honourable processes of the said Court, by all manner of means, together with all rights whatsoever thereunto belonging, with the assistance of records and ancient precedents, as among other things in the said letters patent more fully appears and is set forth. Which said letters patent last mentioned, and the declaration made therein, in so far as mention is made in the same letters patent of the absolute power of the Earl Marshal while the office of Constable is vacant, or that the Constable and Earl Marshal are conjointly judges together or separately, while the office of either of them should be vacant, are to be understood only in respect and relation to the Court of the Constable and Marshal, and in causes the cognisance whereof belongs to the Court aforesaid. And thus by these presents we declare and will it to be understood, and

that they do not extend to, nor ought they to be interpreted of, any other authority whatsoever to the said office of Constable belonging. Know, moreover, that we, closely considering the fidelity, good service, and deserts of the said Henry, Lord Howard, of our further special grace, and of our certain knowledge and mere motion, have given and granted, and by these presents, for us, our heirs and successors, do give and grant to the said Henry, Lord Howard, the office of Marshal of England, together with the name and honour of Earl Marshal of England, and by these presents we create, ordain, and constitute him, the said Henry, Lord Howard, Earl Marshal of England, and have given, bestowed, and conferred, and by these presents do give, bestow, and confer to and upon him the Name, Style, Title, Rank, Authority, Jurisdiction, Dignity, and Honour of Earl Marshal of England, together with all and singular the dignities, precedencies, pre-eminences, jurisdictions, profits, commodities, emoluments, advantages, offices, and nominations of officers, and all other privileges, rights, powers, authorities, and all other things whatsoever thereunto appertaining, both in our courts and elsewhere, to the said office of Earl Marshal of England, in any manner or wise belonging or of right appertaining. And further, by these presents we invest, establish, and confirm him, the said Henry, Lord Howard, in the said office of Earl Marshal of England, and the other things aforesaid to the same office as aforesaid appertaining, in the same ample manner and form as Henry, Lord

Maltravers, late Earl of Arundel, Surrey, and Norfolk, father of the said Henry, Lord Howard, or Thomas, Earl of Arundel, Surrey, and Norfolk, grandfather of the said Henry, Lord Howard, or Thomas, late Duke of Norfolk, grandfather of the said Thomas, Earl of Arundel, Surrey, and Norfolk, or Thomas, formerly Duke of Norfolk, grandfather of the said Thomas, Duke of Norfolk, or John Mowbray, formerly Duke of Norfolk, or any other Earl Marshal of England, having or exercising the office before this time, has had or exercised or of right could have or exercised the same, to have, hold, exercise, and occupy the office aforesaid, and all and singular the authorities, jurisdictions, powers, commodities, profits, and other things aforesaid whatsoever to the said office in any way belonging or of right appertaining to him, the said Henry, Lord Howard, and the heirs male of his body lawfully begotten and to be begotten, by himself or by his sufficient deputy or deputies. And, moreover, of our further especial grace, we have given and granted, and by these presents for ourselves, our heirs and successors, do give and grant to the aforesaid Henry, Lord Howard, and the heirs male of his body issuing as aforesaid, that they and their deputies by reason of the said office, shall have, bear, and carry, both in the presence of us, our heirs and successors, and elsewhere, a golden rod, ringed with black at either end, bearing at the upper end the arms of ourselves, our heirs and successors, and at the lower end the arms of the Earl Marshal of England for the time

being, carved and adorned, lawfully, with impunity, and without hindrance from us, our heirs and successors, or the justices, or other servants whomsoever of us, our heirs or successors. And that the said Henry, Lord Howard, and the heirs male from his body issuing, and every one of them may be able with the greater honour to maintain, sustain, and support the burdens incumbent upon them in accordance with the dignity of their name, of our further special grace, certain knowledge and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant to the aforesaid Henry, Lord Howard, and the heirs male of his body, one other annual rent of £20 of legal money of England from the issues and revenues of the hanaper of our Chancery, and the Chancery of our heirs and successors issuing and arising, by the hands of the keepers or clerk of the said hanaper, or other the holders or receivers of the profits and issues of the said hanaper for the time being, to be paid annually at the Feasts of the Annunciation of the Blessed Virgin Mary and Saint Michael the Archangel in equal portions. And if the aforesaid Henry Howard happen to die without an heir male of his body lawfully begotten, then we will, and by these presents for us, our heirs and successors, we have granted, decreed and ordained that the office aforesaid shall remain to the heirs male of the body of Thomas, late Earl of Arundel, Surrey, and Norfolk, grandfather of the said Henry, Lord Howard, lawfully begotten, and that the heirs male of the body of the said

Thomas successively shall have and hold the office of Earl Marshal of England with all its appurtenances, and shall be called and known as Earls Marshal of England, and shall carry the golden rod thus ringed with black as aforesaid, both in the presence of us, our heirs and successors, and elsewhere, and shall exercise the same office themselves or by their sufficient deputy or deputies, and shall have a like annual rent of twenty pounds from the revenues of the said hanaper of us, our heirs and successors, to be paid in the same manner and form and at like terms of the year, and the same privileges, pre-eminences and other things aforesaid whatsoever to the said office belonging or annexed, in such ample manner and form as the aforesaid Henry, Lord Howard, and his heirs male aforesaid, by virtue of these letters patent, occupy and enjoy, or ought to occupy and enjoy the same ; and if it happen that there shall be no heir male lawfully begotten of the body of the said Thomas, Earl of Arundel, Surrey, and Norfolk, grandfather of the said Lord Henry Howard, then and in default of such issue, we will and grant, and by these presents for us, our heirs and successors, decree and ordain, that the office aforesaid shall remain to the heirs male of the body of Thomas, late Earl of Suffolk ; and that the heirs male of the body of the said Thomas, Earl of Suffolk, successively shall have and hold the said office of Earl Marshal of England with all its appurtenances, and shall be called Earls Marshal of England, and shall carry the golden rod ringed with black as aforesaid, both in the presence of us,

our heirs and successors and elsewhere, and shall exercise the same office themselves or by their sufficient deputy or deputies, and shall have a like annual rent of twenty pounds out of the revenues of the said hanaper of us our heirs and successors, to be paid in the same manner and form as is aforesaid and at like terms of the year, and the same privileges, pre-eminences, and other things aforesaid whatsoever to the said office belonging or annexed, in such ample manner and form as the said Henry, Lord Howard, and his heirs male aforesaid by virtue of these letters patent occupy and enjoy, or ought to occupy and enjoy the same. And if it happen there shall be no male heir of the body of the said Thomas, late Earl of Suffolk, lawfully begotten, then and in default of such issue we will and grant, and by these presents for us, our heirs and successors, decree and ordain that the office aforesaid shall remain to the heirs male of the body of Lord William Howard, late of Naworth, in the county of Cumberland, lawfully begotten, which said William, Lord Howard, was youngest son of the said Thomas, late Earl of Norfolk, and that the heirs male of the body of the said William successively shall have and hold the said office of Earl Marshal of England with all its appurtenances, and shall be called and known as Earls Marshal of England, and shall carry the golden rod ringed with black as aforesaid both in the presence of us, our heirs and successors and elsewhere, and shall exercise the same office themselves or by their sufficient deputies, and shall have a like annual rent of twenty pounds

from the revenues of the said hanaper of us, our heirs and successors, to be paid in the same manner and form, and at like terms of the year, and the same privileges, pre-eminences, and other things whatsoever above said to the said office belonging or annexed, in such ample manner and form as the said Henry, Lord Howard, and his heirs male aforesaid by virtue of these letters patent occupy and enjoy, or ought to occupy and enjoy the same. And if it happen that there be no heir male of the body of the said William lawfully begotten, then and in default of such issue we will and grant, and by these presents for us, our heirs and successors, decree and ordain that the office aforesaid shall remain to our well-beloved and faithful cousin Charles, Earl of Nottingham, and the heirs male of his body lawfully begotten and to be begotten, and that the said Charles, Earl of Nottingham, and the heirs male of his body shall have and hold the said office of Earl Marshal of England, with all its appurtenances, and shall be called and known as Earls Marshal of England, and shall carry the golden rod, ringed with black as aforesaid, both in the presence of us, our heirs and successors, and elsewhere, and shall exercise the same office themselves or by their sufficient deputy or deputies, and shall have a similar annual rent of twenty pounds from the revenues of the said hanaper of us, our heirs and successors, to be paid in the same manner and form, and at like terms of the year, and the same privileges, pre-eminences, and other things aforesaid whatsoever to the said office appertaining or annexed,

in such ample manner and form as the said Henry, Lord Howard, and his heirs male aforesaid, by virtue of these letters patent, occupy and enjoy, or ought to occupy and enjoy the same; we will, also, and by these presents grant to the aforesaid Henry, Lord Howard, that he may and shall have these our letters patent under our Great Seal of England, made and sealed, without fine or fee, great or small, to be paid or made on that account to us into our hanaper or elsewhere to our use. It being understood that express mention of the actual annual value, or of the definitiveness of the things aforesaid or of any of them, or of other gifts or grants made heretofore by us, or by any of our progenitors or predecessors to the aforesaid Henry, Lord Howard, by no means stands made in these presents; and any statute, act, ordinance, provision, proclamation, or restriction to the contrary, hitherto had, made, published, ordained or provided, or any other thing, cause or matter whatsoever notwithstanding.—In witness whereof we have caused these our letters to be made patent, witness myself at Westminster, the nineteenth day of October, in the twenty-fourth year of our reign.

'By writ of Privy Seal.'

As I have already stated, His Grace the present Duke of Norfolk, by virtue of the foregoing Letters Patent, is now Earl Marshal.

Every Royal Warrant of the present day relating to arms, a change of name, precedence or any-

thing of that nature, is addressed "*to our right trusty and well-beloved Cousin and Councillor, Henry, Duke of Norfolk, K.G., Earl Marshal and Hereditary Marshal of England,* TO WHOM THE COGNIZANCE OF MATTERS OF THIS NATURE DOTH PROPERLY BELONG."

Each Earl Marshal, moreover, personally received from the actual hands of the Sovereign his baton or rod of office, as he succeeds to the inheritance of his office.

In addition to his other duties, he nominates the English Officers of Arms.

CHAPTER III

THE COLLEGE AND OFFICERS OF ARMS

In the earliest times the Kings, Heralds, and Pursuivants of Arms were not public officials; many powerful nobles, and certainly most members of the Royal Family, attached individuals to their persons to attend to their armorial requirements. Such heralds had then little or no authority over the general public; but certainly in the reign of Richard III., if not at a much earlier date, the Royal Officers of Arms were erected into a close Corporation by Royal Charter, and thereafter, as now, formed the Corporation of the College of Arms.

Now the date of the incorporation of the various Officers of Arms is nearly always quoted as the first year of the reign of Richard III. Certainly there is a charter bearing the date the 2nd March, 1 Richard III., which will be found hereafter reprinted in full. The original charter is now in the British Museum. This certainly does erect the Officers of Arms into a corporate body, and if

nothing else can be found, is in itself of full and ample extent for that end ; but, I believe, it really is principally as an actual matter of fact, no more than the grant of the messuage in Coldharbour ; and the fact that it contains a clause erecting the Officers of Arms into a close corporation, is by no means proof that they were not at that date already a corporate body ; for a supplementary charter, or a charter of confirmation, at that date, nearly always regranted everything that existed before. My own opinion is that the Officers of Arms must have been a corporate body at a much earlier date, for I am given to understand that there are records at the College of Arms as far back as the reign of Richard II., which can be explained in no other way than by the supposition that they were already acting as a corporation. At the same time no King of Arms or Herald seems to have officiated in the Scrope *v.* Grosvenor case. But I can find no record on the Patent Rolls of any charter before the one of Richard III., so that there is no alternative but to take one's stand upon that charter, and consequently I reprint it. But there can be no doubt that the Officers of Arms, whether incorporated or not, were accustomed to meet in chapter long before the reign of Richard III.

The Officers of Arms still remain members of the Royal Household. The charter of Richard III., and the subsequent confirmations of it, can be

found set out in Noble's *History of the College of Arms.* As they are there set out they are not absolutely without mistake ; but to all intents and purposes they are correct. They deal rather with the constitution of the officers into a corporate body, and the privileges as such conferred upon them, than with the point I am concerned to emphasize, namely, their absolute control of all armorial matters in England.

The following is a copy of the earliest known Charter:—

LITERÆ DE INCORPORATIONE HERALDORUM.*

'Rex, omnibus ad quos, etc., salutem.

'Sciatis quod nos, de gratia nostra speciali, ac ex certa scientia & mero motu nostris, necnon certis considerationibus nos specialiter moventibus, concessimus pro nobis & hæredibus nostris, quantum in nobis est, dilectis nobis, Johanni Writhe, alias dicto Garter regi armorum Anglicorum, Thomæ Holme, alias dicto Clarensu regi armorum partium Australium, Johanni More, alias dicto Norrey regi armorum partium Borialium, Richardo Champney, alias dicto Gloucester regi armorum partium Walliæ, & omnibus aliis heraldis, prosecutoribus, sive parsevandis armorum, quod ipsi & successores sui scilicet, le Garter rex armorum Anglicorum, rex armorum partium Australium, rex armorum Boria-

* Enrolled on Patent Roll, 1 R. III., Pt. 3, mem. 5, and printed in Rymer's *Fœdera*, vol. xii., p. 215.

lium, rex armorum partium Walliæ, ac omnes alii heraldi, prosecutores, sive pursevandi armorum, qui pro tempore fuerint, imperpetuum sint unum corpus corporatim in re, & nomine, habeantque successionem perpetuam, necnon quoddam sigillum commune pro negotiis & aliis agendis eorumdem habere & excercere valeant imperpetuum, ac quod ipsi & successores sui per nomina le Garter regis armorum Anglicorum, regis armorum partium Australium, regis armorum partium Borialium, regis armorum Walliæ, and aliorum heraldorum, prosecutorum, sive pursevandorum armorum imperpetuum, nuncupenter.

'Et quod ipsi & eorum successores per eadem nomina sint personæ habiles & capaces in lege, ac nomen illud habeant & gerant imperpetuum.

'Et quod iidem Garter rex armorum Anglicorum, rex armorum partium Australium, rex armorum Borialium, rex armorum partium Walliæ, ac alii heraldi, prosecutores, sive pursevandi armorum, & successores sui, per hujusmodi nomen, terras, tenementa, hæreditamenta, & possessiones, ac bona & catalla quæcumque perquirere & habere possint.

'Ac pro terris, tenementis, reddítibus, & possessionibus, juribus, rebus, bonis, catallis quibuscumque; in quibuscumque actionibus, causis, demandis, querelis, & placitis, tam realibus & personalibus quam mixtis, cujuscumque generis fuerint vel naturæ, in quibuscumque curiis, coram quibuscumque justiciariis aut judicibus, spiritualibus vel secularibus, placitare & implacitari, ac respondere & res-

ponderi valeant imperpetuum, prout & in eodem modo quo cæteri liegiæ nostræ personæ habiles & capace sin lege placitare & implacitari, respondere & responderi poterunt & consueverunt.

'Quodque prædicti Garter rex armorum Anglicorum, rex armorum partium Australium, rex armorum partium Borialium, rex armorum Walliæ, & alii heraldi, prosecutores, sive pursevandi armorum, & eorum successores, & eorum libitum invicem commorentur, ac ad dies, loca, & tempora congrua & oportuna, quotiens & quando eis placuerit, ad tractandum, communicandum, & concordandum inter se ipsos, & una cum aliis, pro consilio & avisamento, pro bono statu, eruditione, & regimine, facultatis suæ prædictæ convenire possint.

'Et, ut ipsi quendam locum sive mansionem congruum in ea parte habeant, de gratia nostra speciali et ex mero motu.

'Dedimus & concessimus eisdem, Garter Regi Armorum Anglicorum, Regi Armorum Partium Australium, Regi Armorum Partium Borialium, Regi Armorum Walliæ, & aliis Heraldis, Prosecutoribus sive Pursevandis Armorum, unum Mesuagium cum Pertinentis in Londonia in Parochia Omnium Sanctorum Parva vocat Coldearber.

'Habendum & Tenendum Mesuagium illud cum Pertinentiis eisdem Garter regi armorum Anglicorum, regi armorum partium Australium, regi armorum partium Borialium, regi armorum Walliæ, & heraldis, prosecutoribus, sive persevandis armorum, & successoribus

suis, ad usum duodecim principalium & proborum eorundem pro tempore existentium imperpetuum, absque compoto seu aliquo alio inde nobis vel hæredibus nostris reddendo vel faciendo.

'Et ulterius de uberiori gratia nostra concessimus & licentiam dedimus, pro nobis & hæredibus nostris prædictis, quantum in nobis est, præfatis Garter regi armorum Anglicorum, regi armorum partium Australium, regi armorum partium Borialium, regi armorum Walliæ, & aliis heraldis, prosecutoribus, sive pursevandis armorum, & successoribus suis, quod ipsi terras, tenementa, redditus, & possessiones, quæ de nobis non tenentur in capite, ad valorem viginti librarum per annum, ultra reprisas, & ultra messuagium prædictum, cum pertinentiis, a quibuscumque personis secularibus vel regularibus adquirere possint.

'Habenda & tenenda eis & successoribus suis imperpetuum, ad intentionem inveniendi unum capellanum idoneum ad celebrandum singulis diebus, in messuagio prædicto, vel extra, ad libitum regum armorum prædictorum, pro salubri statu nostro & Annæ consortis nostræ, & Edwardi principis Walliæ, primogeniti nostri, dum vixerimus: & pro animabus nostris cum ab hac luce migraverimus, ac pro bono statu omnium benefactorum regum armorum supra nominatorum dum vixerint, & pro animabus suis cum ab hac luce migraverint, ac pro animabus omnium fidelium defunctorum, juxta discretiones & ordinationes prædictorum Garter regis armorum Anglicorum, regis armorum partium Australium, regis armorum partium

Borialium, regis armorum Walliæ, & aliorum heraldorum, prosecutorum, sive pursevandorum armorum, & successorum suorum.

'Et hæc omnia absque impetitione, impedimento, perturbatione, aut gravamine nostri vel hæredum nostrorum, justitiariorum, vicecomitum, escaetorum, coronatorum, ballivorum, seu ministrorum nostrorum quorumque.

'Et absque aliquibus aliis literis regis patentibus, seu aliquibus inquisitionibus super aliquo brevi de ad quod dampnum, aut aliquo alio mandato regio in ea parte quovismodo prosequendo, habendo, faciendo, capiendo seu retornando.

'Et absque fine seu feodo inde nobis vel hæredibus nostris, fiendo seu solvendo; statuto de terris & tenementis ad manum mortuam non pronendis edito, aut eo quod expressa mentio de vero valore annuo messuagii prædicti, aut cæterorum præmissorum, sive eorum alicujus, vel de aliis donis sive concessionibus per nos aut aliquem progenitorum, sive prædecessorum nostrorum, regum Angliæ, præfatis Johanni Writhe, Thomæ Holme, Johanni More, & Richardo Champneys, aut eorum alicui, ante hæc tempora factis in presentibus minime facta existit, aut aliquo statuto, actu, ordinatione, sive restrictione in contrarium factis, editis, sive ordinatis, aut aliqua alia re, causa, vel materia quacumque, non obstante.

'In cujus, etc.

'Teste rege, apud Westmonasterium, secundo die Martii. [1 Ric. III.]

'Per breve de privato sigillo.'

Hereafter follows the Translation of the foregoing Charter of Incorporation to the Heralds:—

'The King to all to whom, etc., Greeting.

'Know that we, of our especial grace, certain knowledge and mere motion, and for certain other considerations specially moving us, have granted for us and our heirs, as far as in us lies, to our beloved John Writhe, otherwise called Garter King of Arms of England, Thomas Holme, otherwise called Clarenceux King of Arms of the Southern parts, John More, otherwise called Norroy King of Arms of the Northern parts, Richard Champney, otherwise called Gloucester King of Arms of the parts of Wales, and to all other heralds and pursuivants of arms, that they and their successors, to wit, the Garter King of Arms of England, the King of Arms of the Southern parts, the King of Arms of the Northern parts, the King of Arms of the parts of Wales, and all other heralds and pursuivants of arms, for the time being, shall be in perpetuity a body corporate in fact and name, and shall preserve a succession unbroken, and have authority to have and use a common seal in their business and other transactions for ever, and that they and their successors shall for ever be called by the names of Garter King of Arms of England, King of Arms of the Southern parts, King of Arms of the Northern parts, King of Arms of Wales, and other heralds and pursuivants of arms.

'And that they and their successors by the said names shall be persons able and capable in

law, and shall have and bear that name for ever.

'And that the said Garter King of Arms of England, the King of Arms of the Southern parts, the King of Arms of the Northern parts, the King of Arms of Wales, and the other heralds and pursuivants of arms, and their successors by this name, shall have power to acquire and hold lands, tenements, and hereditaments, and property, goods and chattels of every kind.

'And they shall have power to plead or be impleaded, themselves to be defendants or to make others defendants, for lands, tenements, rents and possessions, rights, properties, goods and chattels of what sort soever, in whatsoever actions, causes, demands, quarrels and pleas, real, personal and mixed, of whatsoever kind or nature they may be, in whatsoever courts, before whatsoever justices or judges, spiritual or secular, as, and in the same manner as, our other lieges, persons able and capable in law, have been allowed and accustomed to plead and be impleaded, to be themselves defendants and to make others defendants.

'And that the aforesaid Garter King of Arms, the King of Arms of the Southern parts, the King of Arms of the Northern parts, the King of Arms of Wales, and the other heralds and pursuivants of arms and their successors, and any of them in turn, shall dwell together, and may meet together, on days and at times and places suitable and convenient, as often and whenever they please, to treat, hold communication and agree among themselves and with

other persons, for counsel and advice with a view to the efficiency, erudition and regulation of their faculty aforesaid.

'And in order that they may have some place or mansion suitable for this purpose, of our especial grace and mere motion we have given and granted to them, the said Garter King of Arms of England, the King of Arms of the Southern parts, the King of Arms of the Northern parts, the King of Arms of Wales, and the other heralds and pursuivants of arms, a messuage with its appurtenances in London, in the Parish of All Saints, the Little called Coldearber.

'To have and to hold the said messuage with its appurtenances to them, the said Garter King of Arms of England, the King of Arms of the Southern parts, the King of Arms of the Northern parts, the King of Arms of Wales, and the heralds and pursuivants of arms and their successors, to the use of twelve principal and honest men among them for the time being for ever, without any account or other thing to be made or returned thereof to us or our heirs.

'And further, of our more ample grace, we have granted and given licence, for us and our heirs aforesaid, as far as in us lies, to the aforesaid Garter King of Arms of England, the King of Arms of the Southern parts, the King of Arms of the Northern parts, the King of Arms of Wales, and the other heralds and pursuivants of arms, and their successors, that they may have power to acquire lands, tenements, rents and possessions, not held of us in

chief, to the value of twenty pounds per annum, beyond outgoings, and in addition to the messuage aforesaid with its appurtenances from any persons whatsoever, secular or regular.

'To have and to hold to them and their successors for ever, for the purpose of providing a suitable chaplain to officiate every day, in the messuage aforesaid or outside, at the pleasure of the Kings of Arms aforesaid, for the healthful state of us and of Anne, our consort, and of Edward Prince of Wales, our first-born son, during our lives; and for our souls when we shall have quitted this world, and for the welfare of all the benefactors of the Kings of Arms above named during their lifetime, and for their souls when they shall have quitted this world, and the souls of all the faithful, who are departed, at the discretions and by the arrangements of the aforesaid Garter King of Arms of England, the King of Arms of the Southern parts, the King of Arms of the Northern parts, the King of Arms of Wales, and the other heralds and pursuivants of arms, and their successors.

'And all these things without let, hindrance, disturbance or annoyance from us or our heirs, our justices, sheriffs, escheators, coroners, bailiffs or ministers whomsoever.

'And without any other royal Letters Patent or other Inquisitions upon any writ of "ad quod damnum," or any other royal mandate in this behalf in any wise to be issued, had, made, taken or returned.

'And without fine or fee thereon to us or our

heirs to be made or paid, the Statute of Mortmain notwithstanding, and the fact that express mention of the true annual value of the messuage aforesaid, or of the other premises, or of any one of them, or of the other gifts or grants heretofore made by us or any one of our progenitors or predecessors, Kings of England, to the aforesaid John Writhe, Thomas Holme, John More and Richard Champneys, or any one of them, is by no means set forth in these presents and any statute, act, ordinance, or restriction to the contrary, made, published or ordained, or any other thing, cause or matter whatsoever notwithstanding.

'In witness whereof, etc., etc.

'Witness the King at Westminster, the second day of March. [1 Ric. III.]

'By writ of Privy Seal.'

There have been other charters, etc., confirming the powers and privileges, notably a charter dated 18th July 1555 (Pat., 1 & 2 Philip and Mary, Part ii., memb. 35); and by the express command of Queen Elizabeth a set of ordinances and statutes were drawn up by Thomas, Duke of Norfolk, Earl Marshal, bearing date 18th July, 10 Eliz. (1568).

The next step is the appointment of the Officers of Arms. The Earl Marshal (by his patent) enjoys the privilege—or has to endure the penalties—of nominating persons to hold such appointments as these become vacant; but the officers individually

and actually hold office by specific Letters Patent under the Great Seal of England, issued separately to each officer as he is appointed. The following is a copy of the Letters Patent, of the earliest instance I can conveniently lay my hands upon, creating a King of Arms, followed by the Letters Patent which appointed William Henry Weldon, Esquire, to his office of Norroy King of Arms, the most recent appointment of this kind which the Crown has made. The following is a copy of the Letters Patent appointing John Wrythe to the Office of Garter:—

'Rex * omnibus ad quos etc. Salutem. Sciatis quod cum non sit nouu', set iam diu ab antiquis te'poribus usitatu', quod inter ceteros officiales & Ministros quos Principu' lateribus pro eoru' magnificencia atq' gloria, adherere decet eoru' quibus officii Armoru' cura co'mittitur copia' habere debeat, ut nec te'pus belloru' neq' pacis sine co'uenientibus & aptis Ministris debeat preteriri. Nos igitur co'siderationis acie' in laudabilia seruicia que dilectus nobis Johannes Wrythe alias nuper dictus Norrey, Rex Armoru' parciu' Borialiu' Regni nostri Anglie, in hiis que ad officium illud spectare intelliguntur, exercuit dirigentes eund' propterea, & non minus ob solerciam et sagacitatem quas in eo satis habemus exploratas, in principalem Haraldum & Officiorum incliti nostri Ordinis Garterii, Armorumque Regem Anglicorum, ex gracia nostra speciali ereximus, fecimus, constituimus,

* Pat., 18 Ed. IV., Part ii., m. 28.

ordinauimus, creauimus, et coronauimus; ac per presentes erigimus, facimus, constituimus, ordinamus, creamus, & coronamus, ac ei officium illud, nec non nomen le Garter, Stilum titulum libertates & pre-eminencias huiusmodi officio conveniencia et concordancia, ac ab antiquo consueta, damus et concedimus, ac ipsum in eisdem realiter inuestimus. Habend' occupand' et exercend' Officium illud, ac nomen, stilum, titulum & preeminencias predict' eidem Johanni pro termino vite sue, cum omnibus iuribus, proficuis commoditatibus & emolumentis eidem officio qualitercumque debit' pertinen' siue spectan' Et ulterius concessimus et per presentes concedimus prefato Johanni in Regem Armorum Anglicorum ut prefertur erect' Quadraginta libras per annum racione et causa officii illius. Percipiend' eidem Johanni singulis annis durante vita sua pro vadiis, & feodis officii predicti, de parua customa nostra, in portu ciuitatis nostre London, per manus custumariorum siue collectorum custume predicte, in portu predicto pro tempore existen' ad terminos Sancti Michaelis et Pasche per equales porciones, una cum tali Liberata Vesture, qualem, et eisdem modo et forma prout aliquis alius huiusmodi Rex Armorum siue principalis Haraldus tempore Domini Edwardi nuper Regis Anglie tercii progenitoris nostri habuit et percepit Habend' & percipiend', annuatim Liberatam, huiusmodi eidem Johanni singulis annis ad terminum vite sue ad magnam Garderobam nostram per manus custodis eiusdem pro tempore existentis Eo quod expressa mencio de vero valore annuo premissorum, seu alicuius

eorum, aut de aliis donis siue concessionibus eidem Johanni per nos ante hec tempora fact' in presentibus minime fact' existit Aut aliquo statuto, actu, ordinacione, prouisione, seu restrictione in contrarium fact' edit' ordinat' seu prouis' Aut aliqua alia re, causa vel materia quacumque non astant' In cuius etc. Teste R. apud Westm' sexto die Julii per ipsum Regem & de data predict.'

The following is a translation of the foregoing Patent to Garter King of Arms:—

'The King to all to whom, etc., Greeting. Know ye that as it is no new thing, but a thing now long accustomed from of old time, that, among the other officers and servants whom, for their magnificence and glory, it behoves Princes to have around them, there should be plenty of those to whom the care of Arms is committed, so that the times neither of war nor peace should pass by without suitable and apt servants: We, therefore, taking into our keen observation and in consideration of the praiseworthy services rendered by our well-beloved John Wrythe, otherwise lately called Norrey, King of Arms of the Northern parts of our Kingdom of England, in those things which are understood to belong to the aforesaid office, for this reason, and not less on account of the shrewdness and sagacity which we have had ample proof to be in him, we, of our especial grace, have erected, made, constituted, ordained, created and crowned, and by these presents do erect, make, constitute, ordain, create and crown him Prin-

cipal of the Heralds and Officers of our illustrious Order of the Garter, and King of Arms of England, and we give and grant to him the said office, with the name of *le Garter*, and the style, title, liberties and pre-eminences to this office appertaining and agreeable, and of old time accustomed, and we actually invest him with the same.

'To have, occupy and exercise the said office, and the name, style, title and pre-eminences aforesaid to the said John for the term of his life, with all rights, profits, commodities and emoluments to the said office in anywise due, appertaining or belonging. And further, we have granted, and by these presents do grant, to the aforesaid John, erected to be King of Arms of England as aforesaid, Forty pounds per annum by reason and on account of the said office, to be received yearly by the said John every year during his life, as the wages and fees of the office aforesaid from our lesser customs in the port of our City of London, by the hands of the customers or collectors of the Customs aforesaid in the said port for the time being, at the terms of St Michael and Easter, in equal portions, together with such livery of raiment as any other such King of Arms or principal Herald had or received in the time of our Lord, Edward the Third, late King of England, our progenitor. To have and receive this livery each year to the said John for the term of his life at our Great Wardrobe by the hands of the Warden thereof for the time being; it being understood that express mention of the actual annual value of the things above men-

tioned, or of any one of them, or of other grants heretofore made by us to the said John, is by no means made in these presents, and any statute, act, ordinance, provision or restriction to the contrary, made, published, ordained or provided, or any other thing, cause or matter whatsoever notwithstanding.

'In witness whereof, etc., etc.

'Witness the King at Westminster, the 6th of July [18 Edw. IV.]. By the King, and on the day aforesaid.'

Here is a copy of the warrant for the preparation of the present Norroy's Patent:—

'VICTORIA R.*

'Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith To Our right trusty and well-beloved Councillor Farrar Lord Herschell, G.C.B., Our Chancellor of that part of Our said United Kingdom called Great Britain Greeting: We Will and Command that under the Great Seal of Our said United Kingdom remaining in your custody you cause these Our Letters to be made forth patent in the form following:—

'Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith To all to whom these presents shall come Greeting: Whereas it hath been of ancient times accustomed that amongst

* Copy from the original Royal Warrant now (March 15, 1898) in the Enrolment Office at the Law Courts.

other Officers and Ministers whom it is meet should be attendant upon the persons of Princes suitable to their high dignity and glory there should be more especially proper Officers to whom the care and office of arms in times of war and peace may be committed And whereas the Office of Norroy King of Arms and principal Herald of the North parts of that part of Our United Kingdom of Great Britain and Ireland called England is become vacant by the promotion of George Edward Cokayne, Esquire, late Norroy to the Office of Clarenceux King of Arms Know Ye therefore that We of Our especial grace certain knowledge and mere motion and for divers other good causes and considerations Us hereunto especially moving Have advanced made ordained constituted and created And by these presents for Us Our heirs and successors Do advance make ordain constitute and create Our trusty and well-beloved William Henry Weldon, Esquire, Windsor Herald, a King of Arms and a principal Herald of the North parts of that part of Our said United Kingdom of Great Britain and Ireland called England And We have given and by these presents Do give unto him the name of Norroy which We do give and grant unto the said William Henry Weldon with the style title liberties pre-eminences and commodities suitable agreeable and belonging and anciently accustomed to the said office And him We have really crowned and invested and by these presents do crown and invest therewith To have enjoy occupy and exercise the said Office and the same style title pre-eminences and

commodities aforesaid unto him the said William Henry Weldon during his good behaviour in the said office with all rights profits commodities and emoluments whatsoever to the same Office in anywise belonging and appertaining Giving moreover and granting unto the said William Henry Weldon Norroy all and singular other things which are incumbent upon the said Office of Norroy King of Arms or are known to be appertaining of right or by custom in times past to be done transacted and executed And further Of our more abundant grace We do give and by virtue of these presents grant unto the said William Henry Weldon Norroy authority power and licence with the consent of the Earl Marshal of England or his Deputy for the time being in writing under their hands and seals from time to time first given or signified of granting and appointing to eminent Men Letters Patent of Arms and Crests jointly and together with Garter and Clarenceux Kings of Arms or one of them or by himself alone without them at the will and pleasure of the Earl Marshal or his Deputy for the time being according to their Ordinances or Statutes from time to time issued or to be issued respectively in that behalf and not otherwise nor in other manner so as that if the said William Henry Weldon Norroy shall act any of the premises to the contrary, this Our present grant and all things herein contained shall cease and be utterly and altogether void and of none effect or force whatsoever Moreover We have given and granted and by these presents for Us Our heirs and successors Do

give and grant unto the said William Henry Weldon advanced by Us a King of Arms and a principal Herald of the North parts aforesaid Twenty pounds nineteen shillings and eight pence sterling by the year by reason and in consideration of the same Office and for the exercise thereof To have and receive the same unto him the said William Henry Weldon Norroy yearly and every year during his good behaviour in the same Office at the Office of the Chamberlain of Our Household for the time being the same to commence from the seventh day of March One thousand eight hundred and ninety-four being the day of the promotion of the said George Edward Cokayne and be computed and paid by the day after the rate of Twenty pounds nineteen shillings and eight pence by the year unto and for the Feast of the Annunciation of the Blessed Virgin Mary from thence next ensuing and the subsequent payments quarterly at the four most usual days of payment in the year by even and equal portions Together with such Liveries and Clothing as and in the same manner and form as any other person being a King of Arms or Herald of Arms in that part of Our United Kingdom aforesaid had and received in the time of Edward the third Our progenitor heretofore King of England or afterwards To have and receive such liveries and clothing unto him the said William Henry Weldon yearly during his good behaviour in the said office at the Great Wardrobe of Us Our heirs and successors by the hands of the Keeper of

the same Wardrobe of Us Our heirs and successors for the time being In witness, etc.

'Witness, etc.

'Given at Our Court at St James's the tenth day of March One thousand eight hundred and ninety-four in the fifty-seventh year of Our reign.

'By Her Majesty's Command,

(Signed) H. H. ASQUITH.'

In the reign of George III. there were many Warrants issued of one kind and another bearing on the authority of the Crown in Armorial Matters, or on the devolution of its authority to the Officers of Arms. One in particular has a very especial bearing upon the subject. After the reconstruction of the Order of the Bath, the genealogist of that Order had admitted and recorded pedigrees and arms without proof thereof being previously made in the College of Arms. The officers of the College entered a protest against this practice, and on the complaint in due course being laid before the King, he referred the entire matter to the Law Officers of the Crown for their consideration and report. The Royal Warrant which was issued after the delivery of their report contains the following crucial and decisive words:—

'And whereas it was by the said Chapter' [of the Order of the Bath] 'resolved that as it appeared to the Chapter to be *the opinion of the Law Officers of the Crown that the Heralds* (*that is*

> *to say, the Kings, Heralds and Pursuivants of our College of Arms*) *have the original cognizance of pedigrees and Coat-Armour*, and that the Genealogist *cannot properly receive any evidence of Pedigree or Coat-Armour*, to be entered in his Books in pursuance of the Statutes, *except from the College of Arms*, the Chapter therefore humbly recommended to us that we would be pleased to command,' etc., etc.

And then follow minute instructions to be observed in the future, agreeably to the foregoing opinion, as to the methods of procedure within the Order of the Bath. These instructions, which are lengthy, deal only with methods of procedure, and relate to no part of my argument: and I only quote from the Warrant to show the opinion of the law officers of the Crown after they had officially investigated the point.

There is another Warrant, I believe, of the reign of George IV., which is of a similar character, but this, unfortunately, I have not seen.

If further confirmation is needed, one only requires to notice the formal notification in the *London Gazette* of any change of name and arms by Royal Licence. In such an instrument it will be seen that the final clause runs somewhat as follows: 'Know Ye that We of Our Princely Grace and Special favour have given and granted and do by these Presents give and grant unto him the said A. B.

our Royal Licence and Authority that he may take and henceforth use the surname of C in addition to and after that of B, and that he may bear the Arms of C quarterly with his own family Arms, and that such surname and Arms may in like manner be borne and used by his issue, the said Arms being first duly exemplified according to the Laws of Arms and recorded in Our College of Arms otherwise this our Licence and Permission to be void and of none effect.'

For the benefit of any one who has never had the opportunity of perusing a Royal Warrant of this character, I may repeat that such warrants are addressed '*to our Right trusty and well-beloved Cousin and Councillor, Henry, Duke of Norfolk, K.G., Earl Marshal and Hereditary Marshal of England,* TO WHOM THE COGNIZANCE OF MATTERS OF THIS NATURE DOTH PROPERLY BELONG.'

The Corporation of the College of Arms consists of three Kings of Arms (Garter, Clarenceux, and Norroy), six Heralds (Somerset, Lancaster, Richmond, York, Chester, and Windsor), and four Pursuivants (Rouge Croix, Rouge Dragon, Bluemantle, and Portcullis).

CHAPTER IV

THE GRANTING OF ARMS

By virtue of the Powers conferred by their several Letters Patent upon the Kings of Arms, arms have been assigned and granted by Patents under their hands and seals since the fifteenth century. I append copies of Letters Patent making such grants—an ancient and a modern instance. Here is the former:—

'To all and Singulare as well nobles and gent as others to whome these pntes shall come be seen heard read or understanded Sr Gilbart Dethicke Knight als * garter principall Kinge of Armes, Rob^t Cooke esquyer als Clarencieulx Kinge of Armes of the southe partes and William Flower esquyer als Norroy Kinge of Armes of the northe partes of England send greetinge in O^r Lord god everlastinge forasmuch as aunciently from the begininge the valiaunt and vertuouse actes of excellent personnes have been commendid to the world and posteritie with sondry monumentes and remembraunces of their good deseartes: Ermong-

* alias.

est the which the chiefest and most usuall hathe been the bearinge of signes in shyldes called Armes beinge none other thinge then demonstraciones and tokens of prowesse and valior diuerslye distributid accordinge to the quallities of the personnes meritinge the same To thentent that suche as by their vertues do adde and shewe forthe to the aduauncment of the comunne weall the shyne of their good lyfe and conversacon in dayly practyse of thinges worthy and commendable beinge the very trewe and perfect tokens of a right noble disposition may therfor recieue dewe honor in their lyves and also deryve and continewe the same successively in their posteritie for eur **And wheras We the sayd** Kinges of Armes are credibly enfourmid by diuerse honest and discreet personaiges that William Camborne alias Paynter of deverell within the Parishe of Gwynior within the Countye of Cornewall gent hathe of longe tyme vsed him self so vertuously and discreetly that he well deseruith and meriteth to be in plases of honor admitted reputed and taken in the number and company of other gent **In consideracon wherof** and for A further consideraco' of the Worthinesse of the same Willm Camborne whose Auncestors he^r^tofore haue borne Armes as apere^e^ on p . . . shewd vnto vs for the same, not knowinge in what manne^r^ or dewe forme he ought [to] beare them w^h^out preiudice of any other and nowe at his instant request We the sayd Kinges of Armes by power and aucthoritie to vs committed by letters patentes vnder the great seale of England haue rectyfied confirmed assigned

geven and graunted to the sayd William Camborne these Armes and Creast folowing viz.— azure iij blockes argent one either of theim an anlett sables Vppon a heaulme one a torce siluer and azure iij broken broad arrowes gold knit with a lase geules mantled geules dubled argent as mor playnly appeareeth depicted in this margent which Armes and creast and euery part and pcel therof we the sayd Garter Clarencieulx and Norroy Kinges of Armes do by these pntes ratefye confirme assigne geve and graunt vnto the sayd William Camborne als Paynt^r and to his posteritie for euer and he the sayd Armes and creast to vse beare and shewe at all tymes and for euer heerafter at his liberty and pleasure w^th^out the impediment lett or interruption of eny p'sonne or p'sonnes **In witnesse** wherof we the Kinges of Armes aforsayd haue signed these p'ntes with o^r handes and sett therunto o^r seuerall seales of Armes the [22^nd^] daye of [July] Anno Dni 1569.'

The following is a copy of the wording of a very recent grant of arms. I have no permission to reproduce it, consequently I trust I may be excused for having omitted the names:—

'To All and Singular to whom these Presents shall come Sir ALBERT WILLIAM WOODS Knight, Garter Principal King of Arms and WALTER ASTON BLOUNT Esquire Clarenceux King of Arms of the South East and West Parts of England from the River Trent Southwards Send Greeting: Whereas William F of Park in the Parish of in

the County of Berks Gentleman hath represented unto the Most Noble HENRY Duke of Norfolk Earl Marshal and Hereditary Marshal of England that it appears upon an examination of the Records of the College of Arms that Armorial Ensigns have not been duly recorded to him and being unwilling to use any without lawful authority He therefore requested the favour of His Grace's Warrant for Our granting and assigning such as may be proper to be borne by him and his descendants and by the other descendants of his father SAMUEL F of Hall in the Parish of in the County of Worcester Gentleman deceased That the Memorialist having intermarried with MARTHA daughter of THOMAS P of in the said County of Worcester Gentleman deceased further requested that arms for P might be assigned in the same Patent to be borne and used by his said Wife according to the Laws of Arms And Forasmuch as the said Earl Marshal did by Warrant under his hand and seal bearing date the Twenty-eighth day of September last authorise and direct Us to grant and assign such Armorial Ensigns accordingly Know ye therefore that We the said GARTER and CLARENCEUX in pursuance of His Grace's Warrant and by virtue of the Letters Patent of Our several Offices to each of Us respectively granted do by these Presents grant and assign unto the said WILLIAM F the Arms following for F that is to say Per Cheveron dove-tailed Gules and Argent in Chief two Lions heads erased of the last and in Base a Sala-

mander in flames proper And for the Crest On a Wreath of the Colours Upon a Mount Vert an Antelope Argent semé of Estoiles Sable armed and unguled or resting the dexter fore-foot upon a Fountain proper as the same are in the margin hereof more plainly depicted to be borne and used for ever hereafter by him the said WILLIAM F and his descendants and by the other descendants of his father the said SAMUEL F deceased And by the authority aforesaid We do further grant and assign the Arms following for P that is to say Erminois an Eagle displayed in chief an Escallop between two Fleurs-de-lis and in Base a Fleur-de-lis between two Escallops all Azure as the same are more plainly impaled with the Arms of F to be borne by her the said MARTHA Wife of the said WILLIAM F the whole with due and proper differences according to the Laws of Arms In Witness whereof We the said GARTER and CLARENCEUX Kings of Arms have to these Presents subscribed Our names and affixed the Seals of Our several Offices this Twenty-fourth day of January in the Forty-eighth year of the Reign of Our Sovereign Lady VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland Queen defender of the Faith etc. and in the year of Our Lord One thousand eight hundred and eighty-five.

'(Signed) ALBERT W. WOODS Garter

'(Signed) WALTER ASTON BLOUNT Clarenceux.'

A Patent of Arms in England usually grants arms (and as a consequence confers gentility) to a man 'and his descendants according to the laws of arms.' Often 'the other descendants of his Father' are added, as in the above instance: and occasionally, but very exceptionally, the limitation has been still further widened. Such arms then equally descend to all *legitimate descendants in the male line* of those persons to whom the arms are granted. Daughters of the house being heiresses and co-heiresses in blood have a right to the *arms* during their lifetime, and transmit the right to them *as quarterings* (but only as quarterings) to their descendants. Daughters not being heiresses have the right only during life, and can in no way transmit a right to those or any other arms. Daughters, whether heiresses or not, neither inherit nor transmit the crest. Unless an undoubted right to arms exist in the *direct male line*, all rights to quarterings, etc., become dormant, unless or until a lawful right to arms *in the male line* has been established. The son of a plebeian father is plebeian and 'ignobilis,' no matter even if his mother were a Peeress in her own right.

From an order made by Charles Brandon, Duke of Suffolk, Earl Marshal, as to the granting of arms to various ranks in the Church, the following extract is taken :—

'And also to temporall men, which be of good and honest reputacion, able to mayntayne the state of a gentleman, and that none shall enterprise to beare anie signs or tokens of arms, etc., withoute they be authorised so to do by Clarenceulx King of Arms [therefore this was addressed to his province], uppon paine of imprisonment and to fyne at the King's pleasure: provided that after the said King of Arms, his Marshal of Armes shall not geve or graunt armes to any vyle or dishonest occupation in any wyse.'

There is then the following lists of the charges for all Patents of Arms:—

'Every byshoppe that shall be ennobled, £10; abbots and pryors of great possessions, £10; abbots and pryors of meane possessions, £6, 13s 4d; deanes and archdeacons, £6, 13s 4d; men of the Church having benefices, 100 M., or about by the year, £6; every Crafte being in corporation, £10; every temporall man having 100 M. by the yeare in land or fees, £6, 13s 6d; all other being of substance under the same valour in lands or goods, £6; of them which be worth in moveable goods 1000 M. or above, £6; of them that be worth in land and goods 1000 M., £5.'

CHAPTER V

THE VISITATIONS

HAVING dealt with the granting of arms by the specific patents of arms of ancient or modern times, each of which definitely contains the limits and limitations to which it is confined, and in and to which the arms therein granted devolve, the most crucial incident in the history of British armory is to be found in the Visitations which took place throughout the whole of England in the sixteenth and seventeenth centuries.

The Visitations were perambulations throughout the country performed by the Officers of Arms acting under a Royal Commission, in virtue of which they enrolled and confirmed the arms legally in use at that period by the landowning and arms-bearing families then in existence, together with pedigrees. The arms submitted to them were allowed and confirmed, or respited for proof, or else rejected. The definite production of a specific grant for the arms in question was not necessarily insisted upon by the Heralds, who allowed and confirmed arms as borne by right when the right to these was established to their satisfaction.

There were three principal Visitations throughout the whole of the kingdom. Of course the actual years vary in different localities, but roughly they took place about the years 1580, 1620, and 1666. There were some number of counties visited also about the year 1680.

Copies of many of the Commissions issued to the Kings of Arms were printed in the Minutes of Evidence taken in the Shrewsbury Peerage Case. But the earliest Commission was issued 20 Henry VIII. (1528-9) to Thomas Benolte, Clarenceux, and empowered him to visit his province as often as he should deem it necessary, and to convene before him or his deputy all persons that do or pretend to bear arms, or are styled esquires or gentlemen, and to require them to produce and show by what authority they claimed the same. It further gave him powers to enter all houses, castles, and churches, and to survey all arms or other devices of persons within his province, and he was to pull down or deface all arms unlawfully assumed, whether on plate, jewels, paper, parchment, windows, tombs, or monuments, and to make infamous, by proclamation, all offenders; and his commission included full powers to destroy all examples of heraldry falsely assumed, wherever it could be discovered, and 'to make infamous' by proclamation all and all manner of persons that unlawfully or without just authority, vocation, or due

calling had usurped or taken upon him or them any manner of title of honour, dignity, or worship, as esquire, gentleman, or other.

The next Commission seems to have issued in 1555 to Thomas Hawley, Clarenceux, containing similar directions and powers, whereby it was also provided that all such as disobey the same should answer thereunto, upon lawful monition to him or them given, before the High Marshal of England.

In the 5th and 6th of Philip and Mary (1558) another Commission, with the same authority, was issued to William Harvey, Clarenceux, who was further empowered to levy fines against delinquents at his will and pleasure.

I append an exact copy of a Commission issued by Queen Elizabeth. The majority are in almost identical terms.

'Com'iss' p' Willo Flower al's Norrie ar' rege armor de con' ap vil'am.

'Elizabeth by the grace of God Quene of England Fraunce and Ireland defendor of the fayth etc. To our trusty and welbeloved servaunte Wilm Flower esquier als Norrey King of armes of the east west and northe parties of our realme of England from the ryver of Trente northwarde and to all other our loving subjects greating: Forasmuche as God of his greate clemencie and goodness hathe subjected to our impere and gov'naunce the nobilitie people and comons of

this our realme of England Wee mynding of our royall honour and absolute power to us comytted to visit survey and vewe throughout all our realme of England and all our d'nions as well for a due order to be kepte and observed in all things touching thoffice and dueties app'teyning to armes as also for reformacon of dyv'se and sondry abuses and discords dayli rising and growing for want of ordinarie visitacons surveys and views in tymes convenient according to the auncient fourme and lawdable custome of the lawes of armes and that the nobylitie of this our realme may be p'served in ev'y degree as appteyneth as well in honor as in wourshipp. And that ev'y p'son and p'sons bodyes polytique corporate and others may be the better knowen in his or theire estate degree and misteries without confusion or disorder. Have therefore constituted deputed ordeyned and appoynted for us and in our name our said welbeloved servaunt Will'm Flower al's Norrie King of Armes in the said east west and northe parts of our realme of England from the said ryver of Trent northwarde to visite all the said p'vynce and the parts and members thereof appteyning to thoffice and charge of the said Norrie Kyng of armes from tyme to tyme as often and when as he shall thinke most necessarie and convenient for the same and not only to enter into all churches castells howses and other places at his discrecon to p'use and take knowledge survey and viewe of all mann' of armes cognisaunces crests and other like devises with the notes of theire descents pedegrees and marriages and

the same to enter and recorde into a register or booke of armes according to suche order as is p'scribed and set furthe in the office chardge and othe taken by our said servaunte at his creacon and coronacon and also to correcte cumptrolle and refourme all mann' of armes crests cognizaunces and devises unlawfull or unlawfully usurped borne or taken by any p'son or p'sons within the same p'vince cont^{a}ry to the due order of the lawe of armes and the same to rev'se put downe or otherwise deface at his discrecon as well in coote armors helmes standerd pennons and hatchmets of tents and pavilions as also in plate jewells pap' parchement wyndowes gravestones and monuments or elsewhere wheresoev' they be sett or placed whether they be in shelde schoocheon lozenge square rundell or otherwise howsoev' cont^{a}rie to the autentiq' and auncient lawes customes rules privileges and orders of armes. And further wee by these p'sents do geve and graunte to the said Norrie full power and aucthorytie to reprove comptroll and make infamous by p'clamacon to be made at the assises or gen'l sessions within the same his p'cincte to be had and kepte or at suche other place or places as he or they shall thincke moste mete and convenient all and all mann' of p'son or p'sons that unlawefully and without just aucthorytie vocacon or due calling doo or have done or shall usurpte or take upon hym or them any name of tytle of honour or dignitie as esquier gentleman or other. And likewise to reforme and comptroll all suche as at any funeralls or interments shall use or weare any morninge

apparell as gownes hoods tippetts or suche like cont'ry to the order lymitted and p'scrybed in the tyme of the moste noble prince of famous memorie King Henry the seaventh our grandfather otherwise or in any other sorte then to theire estates and degrees dothe or shall app'teyne. And further-more by these p'sents wee p'hybite and forbidd that no paynter glazier goldsmyth graver or any other artificer whatsoev' hee or they be within that sayd p'vynce of the said Norrye shall take upon them to paynte grave glass devise or set furth by any wayes or means any mann' of armes crests cognisaunces pedegrees or other devises p'teynyng to the office of armes otherwise or in any other forme or manner that they may lawfully do and shalbe allowed by the said Norrie his deputie or deputies according to the auncient lawes and statutes of armes. And we forbid and likewise straitely com'and all our sheriffs com'issaries archedeacons officials scrivenours clerks wryters or other whatsoev' they be to call name or write in any assises sessions courte or open place or places or els to use in any wryting the addicon of a esquier or gentleman onlesse they be hable to stand unto and justifie the same by the lawe of armes and the lawes of our realme or els be asserteine thereof by advertisement in wryting from the said Norrie Kinge of armes or his deputy or deputies attorney or attorneys. And further we straightly com'aunde and chardge that no other p'son or p'sons shall intromitt or medle in any thing or things touching or conc'nying the office of armes within the said p'vynce

wythout the speciall lycence auctorytie of the sayd Norrie in wryting under the seale of the said offyce had an obteyned from the sayd Norrie all which sayd power p'hemynence jurisdiction and aucthorytie above specified for us our heires and successors we do geve and graunte by these p'sents to the sayd Will'm Flower al's Norryie during the naturall lief of the said Norrie in as large and ample mann' fourm in ev'y thinge and thinges as any his predecessours or any other bearinge the name or title of Norrie have or had did or mighte do by force of any l'res patents graunted by any of our predecessors or as of righte he or they oughte or might have used to do by force of his said office with all mann' of p'ffitts advauntages and emoluments thereto belonging. Wherefore we will and straightly com'aunde and chardge all and singular justices sheriffs maiors baylieffes and all other officers ministers and constables and all ev'y our loving subjects that in the execucon of the p'misses they effectually employ theire best ayde assistaunce furtheraunce and counsaill to our said servaunt his deputie or deputyes so often and when as he or any of them shall requier the same in all that you conveniently may as you tender our favour and will answer to the cont^a^rye at your p'ills. And further by these p'sents we do aucthoryze our said s'vaunte to nominate and appoynte under the seale of his said office so many deputies and attorneys as shalbe thought by him expedyent for the better execucon of all and singular the p'misses. And if theare fortune to fall out in this our visitacon any

mann' of scruple doubte question or any misdemeaner of any p'son or p'sons whatsoev' that canne not be conveniently disised or ended by our said s'vaunte or such deputie deputies or attorneys as he under the seale of his said office shall name and appoynte. Then our mynde and pleasure is that our said servaunte his deputie deputies or attorneys named as is aforesaid shall com'aunde such p'rson or p'rsons whome the said question doubte or misdemeano^{r} shall conc'ne under a c'tain payne and at a c'tain day to appeare before the earle marchall of England for the tyme being before whome the said sruple question or misdemeano^{r} shalbe harde and ordered according to the lawe and custome of armes in that case p'vyded and of auncient tyme used any statute lawe p'clamacon custome or usage to the cont^{a}ry in any wise notwithstanding. In witnes whereof we have caused these our l'res to be made patents. Wytnes ourself at Westm' the xth day of July.

After the issue of such a Commission the Kings of Arms themselves, in some cases (and in others the Heralds or Pursuivants whom they appointed their deputies) proceeded to the counties and commenced their Visitations.

The Officer of Arms concerned exhibited his Commission from the Sovereign to the High Sheriff of the county, and the High Sheriff directed the bailiff of each hundred to furnish the Officers of Arms with a list of all persons in that hundred using arms or calling themselves esquires or

gentlemen. Therefore the real responsibility for the due issuing of the summons to every individual rested not with the Officer of Arms, who was probably a stranger in the locality, but with the local officials, who could surely be trusted to know the names of those in their own particular jurisdiction who came within the limits laid down; and it should be remembered that in those days the lines of social demarcation were much more clearly defined than is nowadays the case.

The Officer of Arms then issued a summons either direct to everyone upon his list to attend at an appointed place, and there and then prove their right to arms, or else issued his orders to the bailiff of the hundred, deputing this work of summoning to him; consequently if there were any omissions in the lists of those summoned, the fault lay with the local officials, *and not with the Officer of Arms.*

The summonses issued by the Marshal or deputies of a King of Arms were in the following form :—

'Com Gloucester.

'To the Bailiff of the Hundred of Crowthorne and Minety.

'These are to require you, and in his Majesty's name to charge and command you, that forthwith, upon sight hereof, you warn those Baronets, Knights, Esquires, and Gentlemen,

whose names are within written, personally to appear before us, Thomas May, Esq., Chester Herald, and Gregory King, Rouge-dragon, Officers at Arms, Deputies and Marshals to Clarenceux King of Arms for the county of Gloucester, at the Swan Inn, in Cirencester, on Wednesday, the sixteenth day of August next, by nine o'clock in the morning, where we intend to sit for registering the descents and arms of all the gentry within the said hundred, and that they bring with them such arms and crests as they use and bear, with their pedigrees and descents, and such other evidence and matter of record and credit as (if need require) may justify the same; that we knowing how they use and challenge their titles, and by what right and authority they bear, or pretend to bear arms, we may accordingly make entrance thereof, and register the same in the College of Arms, or else to proceed as his Majesty's commission under the great seal of England injoyneth on that behalf. And those persons who may not conveniently bring such their ancient evidences and writings as will serve to prove the antiquity of their race and family, but shall be desirous to have us come to their houses, upon signification of such their desires, for the furtherance of his Majesty's service, we, or one of us, will repair unto them so soon as conveniently we may. And if there should be any of the degrees and qualities above mentioned omitted within your liberties in these our directions, that you likewise insert their names, and warn them also to appear on the day, and at the place above

mentioned. Accordingly hereof charge them not to fail, as they will avoid the peril that may ensue. Of the particulars you are to make a true and perfect return, together with this your warrant, and what you have done therein, at the time and place above appointed.

'Given under our hands and seals this twentieth day of July, in the thirty-fourth year of the reign of our most gracious Sovereign Lord, Charles the Second, by the grace of God, of England, France, and Ireland (King), Defender of the Faith, etc., annoque domini 1682.

'THOMAS MAY, Chester.
'GREGORY KING, Rouge-dragon.'

The following is a copy of a Summons issued direct to a gentleman to appear before a Deputy to a King of Arms.

'Workingham parish, Co. Berks.

'To Mr Henry Staverton.

'Sir,

'You are personally to appear before Elias Ashmole, Esq., Windsor herald of arms, on Saturday, being the 11th of March next, by eight of the clock in the morning, at the signe of Bear of Redding, there to enter your descent and armes, and to bring with you such arms and crest as you bear. Whereof you are not to fail, as you will answer the same before the Lords Commissioners for the office of Earl Marshal of England.'

There were three courses open to a man on receipt of a summons. As has been seen, he was bound and was made to attend, or else suffer most unpleasant consequences, but it was then at his pleasure either to prove to the satisfaction of the Herald that the arms he bore were his by right, or, failing this, to there and then rectify them by means of a grant or confirmation. If neither of these courses was adopted, the man was required to sign a declaration disclaiming any right to arms.

What proofs the Heralds required the production of to establish this legal right I am utterly unable to say, nor can I find that anyone else is at the present time exactly aware upon what lines the Heralds worked. One can only surmise. But I fancy it can be taken for granted that all arms shown to have been in use prior to the battle of Agincourt were accepted, as then existing by right, without question. With regard to other arms, there were ancient 'rolls of arms' in existence, and the arms of important families were matters of everyday household knowledge. In cases of this kind, there is little doubt that if such arms were to be allowed unaltered, or only with the addition of recognised marks of cadency, strict proof was required of the descent from these distinguished families. In the cases of less important families using arms, which in no way interfered with the rights of other people, one's

experience leads one to suppose that the claimants were treated more easily and the arms admitted (that is, they were recorded and confirmed with little or no alteration) upon the strength of usage for a certain period. What this needful period of usage was none of my inquiries have so far obtained for me any definite knowledge, and for this reason I am inclined to think that there can be little doubt that the Officers of Arms making the Visitations had a wide latitude and liberty of action allowed them, and consequently judged each case upon its own particular merits. This seems to me to be the only conclusion which is possible. There were then, of course, cases of arms entered and confirmed at the Visitations, for which prior and specific grants could be produced, and there were the arms in use before the battle of Agincourt, but arms for which usage only could be quoted, exist, and are legal now, *not by virtue of this usage, but on the strength of their being recorded, or of their confirmation* at the Visitations.

But it should be borne in mind that of the large number of coats of arms allowed and confirmed at the Visitations, a very large number, probably the great majority, were only legalized then, were *rectified at that time*, were then altered or amended or granted or confirmed as the Heralds thought necessary, and only legally date from that period. Though a common enough belief, it is absolutely

incorrect to suppose that the arms then entered were all then registered and admitted by virtue of sufficiently ancient usage. There were precious few of that character in existence. It is imperative that the true status and character of these Visitations should be thoroughly understood. They were in no sense or degree a recognition or admission that a man had a right to choose his own arms, or assume such distinction without a grant or warrant from the Crown or its officers. *Visitations were primarily for the protection of those who lawfully possessed the right, that they might show how and whence they had obtained it, and for the preservation of their evidences of right.* But at the same time, the Crown, of its grace and concession, put forward an opportunity for those who were using arms without authority to render such arms legal by having them rectified and recorded by the Heralds. If a man did not embrace the opportunity, the arms he used remained as they were before—that is, bogus, not merely unrecorded. The arms were illegal; the opportunity of making them legal was ignored, therefore the fault lay with the individual himself, not with the Heralds. The descendants of such people must blame their ancestors for being so foolish as to let the opportunity pass. I fail to see what more the Officers of Arms could possibly have done to prevent a man losing his opportunity. For arms

are legal by virtue of their recognition and registration by the Crown, *not* by virtue of their usage.

When a coat of arms was formally entered as correct in the official Visitation Books, its legality was thereby admitted, and was never afterwards questioned.

The Heralds on their Visitations had full powers to do many things, and among other punitory measures, to inflict fines and penalties; but on this point they seem to have been peculiarly forbearing. I have not so far been able to trace one instance, and I believe that at the College of Arms they have no record of a money fine levied by the Heralds on a Visitation. Such penalties, however, could be inflicted in other ways, although they appear to have been very sparingly applied. A monition before the Earl Marshal would entail heavy expenses as well as costs. In Harl. MS., fol. 69, among a quantity of heraldic matter, copies of Warrants and Summonses for the guidance of the Heralds on their Visitations, is the following form:—

> 'To M^r^ R. B. of N., gentleman, these to be delivered.
>
> 'M^r^ R. B., for asmuch as yo^u^ Refused to make yo^r^ apparance before me at N., where I latelie sate for the Registringe of the gentlemen w^th^in the Wapentake of A., according to such warning as was given yo^u^ by the Baylife

of the same Wapentake I am of dutie to proceede as my Commission appointeth in such Cases of Contempt. These are therefore to Require yo^u^ and in the Queen's Ma^ties^ name to Charge and Comaund yo^u^ to appeare personally before the Right honourable George Earl of Shrewsbury, Earl Marshal of England on the first day of October next ensuing to answer unto and yeild a Reason of that yo^r^ Disobedyence and Contempte: hereof faile yo^u^ not as yo^u^ will avoyd the forfeiture of X^li^ to her Ma^ties^ use, and the further peryll and trouble that may ensue.—Written at B. the 19th daye of N. An° 1591

'By me Rougecrosse Marshall
for Clarencieulx King of Armes.'

If a man, when summoned, was unable to prove his arms, and declined to rectify them at the time, he was then required *over his own signature* to disclaim all and any right to bear arms, and these lists of disclaimers were published in the county towns at the conclusion of the Herald's Visitation.

To those who disclaimed, nothing beyond the publication of their names was done. They had each signed the declaration that they were not entitled to bear arms. Here is what one writer says:—'Lists of these Disclaimers, with their own signatures, now appear attached to Visitations preserved in the College of Arms, and are considered as absolute renunciations of heraldic honours, and binding upon their posterity.' Edmondson, i. 160,

says the same thing:—'Were obliged, under their own hands, to disclaim all pretence or title thereunto for the future.' Considerable pressure was probably brought to bear on these persons, for they had to 'Prove their arms, or then put them in order, or else sign a renunciation, or be cited before the Earl Marshal,' and if they chose the alternative of renunciation and signed, there was an end of the matter (and certainly of any prescriptive usage they might have put forward for consideration), for ever as far as they and their actual descendants were concerned.

The Form of a Disclaimer can best be shown by the reproduction of an actual instrument:—

'Cheshire. 3 Sept. 1663.

'We, whose Names are here underwritten, being duly summoned by William Dugdale, Esq., Norroy King of Arms, in his Visitation of the County Palatine of Chester, as well for the approving and justifying our bearing of Arms, as the taking upon us the Names and Titles of Esquires or Gentlemen; not being able to shew any good Right to either of those Titles, nor knowing at present of any Arms belonging to us, do hereby disclaim all such Attributes and Arms; and do promise henceforth to forbear to make use of either, until such time as we can by lawful Authority do the same.

'Robert Morrey,
'Jonathan Crosse,
'James Knoll,
'Richard Heath, etc., } of Chester.'

Though the list of disclaimers in each county is frequently a lengthy one, I have found no instance of any man who possessed an undoubted right to arms disclaiming the right. If a man had been known to possess arms, I do not think that he would for one moment have been allowed to 'disclaim.' The Heralds, acting under their Royal Commissions, had and exercised sufficient powers to compel a proper compliance with the regulations laid down. The fees required by the Heralds for registering the pedigree and arms did not amount to much, and so that no injustice should be done in the case of any gentleman who possessed arms by lawful right, but who was yet too poor to pay the small amount of fees demanded, *these fees were excused him*, and the record of the arms was duly made *without charge*. This can be proved by reference to several Visitations. Further, if any man desired to record a pedigree and did not want arms, the pedigree appears to have been recorded; for one instance, at any rate, I call to mind in a Visitation of London where the Herald entered the pedigree and added the laconic remark, 'He hath no arms and standeth in contempt thereof.' Nor were the Heralds hard in requiring the proof to be immediately forthcoming, for many arms are entered as exhibited and respited for further proof. In some case no further proof was ever made, and the arms still stand in the Visitation Books as exhibited and

'respited for further proof, but no proof made.' In fact, the Heralds, considering the enormous powers conferred upon them, seem to have strained every point in favour of the claimant which they could possibly do consistently with the due and proper execution of their duties.

My experience has led me to this opinion, that where nowadays we hear these glowing and grandiloquent accounts of arms on ancient monuments and of long usage, which arms are not recorded in the Visitations, the explanation can usually be found by consulting the list of disclaimers. It stands to reason that, if a family were then using the arms of another family of the name with whom they could show no relationship, or using arms which were spurious, the Heralds had no alternative but to disallow the arms precisely as would be done at the present time; and if the arms were wrong then, usage for the two centuries which have since elapsed has conferred no right whatsoever upon those of the descendants who are still making use of them.

The Herald, of course, entered the arms and pedigrees which were submitted, confirmed, or admitted, in a rough draft-book. When he returned to London a fair copy was made, and the pedigrees and arms were checked by the records contained in the College. The whole was carefully corrected, and the corrected and authoritative

copy was delivered into the custody of the College of Arms in conformity with the requirements of the Royal Commission. In spite of many categorical statements in print and elsewhere to the contrary, these official records in their entirety remain in the custody of the Corporation of the College of Arms, which they have never left. Many of the rough draft-books, however, are now elsewhere. The officers who made them seem to have thought, and probably rightly, that after the official, and examined, and corrected, and authentic copy was duly lodged, the uncorrected, badly-written, ridiculously-drawn rough draft became their personal property. The College did not trouble about these drafts, and many are now at the British Museum and other libraries. But it is well to warn those who think they are authentic that they are nothing of the kind. They are crammed full of mistakes and interpolations. Many of the latter are of quite recent date. They have never been kept under proper control, and in most cases it has been open to every reader (who felt so inclined) to add just whatsoever pleased him best, and instances are known where not only isolated details, but even entire pedigrees, have been mischievously added.

Some of the Visitations, more or less incorrectly, some very incorrectly, have been printed and published, but these printed Visitations have only been taken from the incorrect copies and rough drafts

and not from the official records. These published books are not sufficiently correct for much reliance to be placed upon them. A popular idea seems to be that if a descent can be shown from anyone whose names appear upon a Visitation pedigree, the right to the arms recorded with that pedigree follows as a matter of course.

Certainly it would, if the arms were undoubtedly old and were then merely registered; but in cases where the arms were then put in order, only an application at the Heralds' College will definitely show how far this confirmation carried.

Another point with regard to the pedigrees entered at the Visitations should be borne in mind, and it is this. The pedigrees then entered, and particularly those in the earlier Visitations, were not complete pedigrees of the families, and were not put forward as such. They were merely sufficient of each pedigree to establish the right of the claimant in question to the arms he bore.

Bearing in mind that the summoning was done by the local officers, or else upon lists supplied by local officials, who surely knew their own neighbourhood, it may with safety be said that after the third Visitation it is inconceivable that any large land-owning or any arms-bearing family existing during the whole period covered by the three Visitations should have been omitted from each one of the three, and it must not be forgotten that in

the comparatively few cases where the right to arms must have undoubtedly existed by prescription (which, I take it, meant use at or before the date of the battle of Agincourt), such prescription needed to have originated before the date of the very first Visitation. Therefore it is a safe conclusion that after the end of the third Visitation the whole of England had been swept clean, and that every coat of arms continuously in use, properly or improperly, during the period had been by then either allowed or condemned. Since the Visitations it has been absolutely impossible in England to obtain, and utterly useless to put forward, any prescriptive right to arms whatsoever. Arms are good or they are bad as they are recorded or unrecorded. I have yet to learn of any instance in England of an unrecorded and undisclaimed coat of arms in uninterrupted use to the present day, which *honestly* dates from before the period of the Visitations.

That no further Visitation has since been made is infinitely to be regretted. It is the saddest thing one can find to chronicle in the history of British armory. But the reason is not difficult to understand. By the time the next Visitation became due, His Majesty James II. was held to have abdicated the throne, and William III., by Act of Parliament and by the strength of his own right arm, reigned in these Kingdoms three. The

real strength and basis of his support were due in the greater proportion to the middle and trading classes.

The upper classes and the aristocracy, those whom Visitations concerned, were to an appreciable, if not to a large, extent in sympathy with the exiled King. Many were still Catholics. King William was by no means sure of his throne, and hesitated to issue a Commission to be fulfilled 'in the name of the Crown' with the drastic powers of entry, confiscation, and defacement, which the Heralds had enjoyed under the previous Commissions. Consequently the matter remained in abeyance. George I. came to the throne by Act of Parliament in due course, and the matter was again broached. Recognising the value and need for the Visitations, it was proposed that another Commission should issue, without the whole of these powers to which so many of the gentry objected. The Heralds, however, were of the opinion that a Visitation of this kind would be of little value. Now, when (owing to the absence of what would have been most valuable records) it is so evident that *anything* would have been better than nothing, one thinks that they were wrong in coming to such a decision, but one can understand the manner in which they looked at the matter. George I. was anxious to conciliate the ancient gentry of his realms, and thought it wiser to let the old powers

and authority lie dormant; and Culloden and Lord Derwentwater's rebellion amply showed that the Hanoverian Kings were far from possessing the loyal allegiance of many of the better-born amongst their subjects.

But let it not for one moment be supposed that the discontinuation of the Visitations meant that the Crown abrogated its right or authority in matters armorial. It did nothing of the kind; and pedigrees continued to be examined and recorded as hitherto, when application was made—the Crown issued its warrants to the Officers of Arms—the Earls Marshal did the same—the Kings of Arms continued to grant arms as they had done theretofore. That the Crown's authority and prerogative now exists and is still exercised, I have already shown by the quotation of Royal Warrants dating down to the reign of Queen Victoria.

CHAPTER VI

PROOF OF THE EXISTENCE OF THE AUTHORITY OF THE CROWN AND COLLEGE OF ARMS AT THE PRESENT DATE.

I HAVE not the shadow of a doubt but that many of my readers will say or think: 'Oh, but that's all ancient history! nobody troubles about the Crown or the College of Arms now; their laws and their day are all over and done with.' They are *not*. Here are two facts, and my critics can date them 1898—not 1498 nor 1698, but 1898,—within a couple of years of the *twentieth century*. When a man is about to be created a baronet, he receives a notification from the *Home Office* that, before his Patent can be signed or sealed, he is required, by a Royal Warrant of George III., to prove that he is entitled to bear arms by grant or inheritance, and also required to record his pedigree at the College of Arms. His right to bear arms will be judged, not by any fancy formulæ of his own, not by the peculiar ideas of some heraldic writers who glibly plead and

advocate a kind of modern 'prescriptive' right, but by the rules and laws I have endeavoured to explain in the foregoing pages. And his patent as a baronet will date, and therefore his precedence amongst baronets will rank, *after* the date of the certificate issued from the College of Arms to the Home Office that the arms and pedigree have been proved and are on record. Here is another little fact. On June the 10th, in the year of grace 1898, the case of Joicey-Cecil *v.* Joicey-Cecil was tried in the High Court of Justice, Chancery Division, before Mr Justice Kekewich. This case afforded an amusing illustration of the mode in which a coat of arms is supposed to be 'found' by an ordinary seal engraver instead of through the Heralds' College. The plaintiff in the case was the wife of Lord John Pakenham Joicey-Cecil, and is legal tenant for life in possession of the large estates devised by the will of the late Colonel John Joicey. The marriage took place in September 1896, the husband, then Lord John Pakenham Cecil, thereupon assuming the name of 'Joicey-Cecil.' The defendant, at present the only child of the marriage, is the legal tenant in tail in remainder to the estates. Colonel John Joicey died in August 1881, having by his will devised extensive estates in Northumberland to the use of the plaintiff for life, for her separate use, with remainder to the use of her first and other sons

successively in tail. Then followed a 'name and arms clause,' providing that every person who, under the will, should become entitled as tenant for life or in tail to the estates, 'and who shall not then use and bear the surname and arms of "Joicey," shall, within one year after he or she shall so become entitled to the said estates, or (being an infant) within one year after he or she shall attain the age of twenty-one years, and also every person whom any woman so becoming entitled shall marry, shall, within one year after such woman shall so become entitled or shall marry, whichever event shall first happen, take upon himself or herself . . . the surname of "Joicey," together with his or her own family surname, and quarter the arms of "Joicey" with his or her own family arms, and within one year apply to the Crown for a licence to use and bear the said surname and arms of "Joicey."' Then followed a forfeiture clause on failure to comply with the above conditions. The plaintiff and her husband accordingly, shortly after their marriage, obtained a Warrant from the Crown authorising them to use the name of 'Joicey' in addition to and before that of 'Cecil,' and also authorising the husband to bear the arms of 'Joicey' quarterly with his own family arms. But the Warrant (or Royal Licence) contained the invariable clause requiring it to be first recorded and the arms

exemplified in the College of Arms, otherwise the Royal Licence to be void and of none effect. Now the testator had been in the habit of using a coat of arms and crest which appeared in Burke's *Armory* (edition 1878) as belonging to the families of 'Joyce,' 'Joice,' or 'Joys,' and in a copy of that book in the possession of a West-end seal engraver, the words 'Joicey omne solum forti patria' were found written in manuscript after the entry relating to the names 'Joyce, Joice, or Joys' thus:—'Joyce, Joice, or Joys, Or Three Torteaux in bend between two bendlets gules. Crest, a demi chevalier in armour brandishing a scymitar all ppr. Joicey omne solum forti patria.' These arms and crest were not recorded in the College of Arms as belonging to any family of the name of 'Joyce' or 'Joice' or 'Joys,' but they were recorded as belonging to a family named 'Ince,' in Lancashire. No person of the name of 'Joice' was, in fact, recorded in the College of Arms as entitled to bear any arms at all. And consequently the College of Arms point blank refused, and rightly refused, to exemplify these so-called arms of Joicey with the undoubted arms of Cecil. Under these circumstances Lord John Pakenham Joicey-Cecil applied to the College of Arms for a grant of such arms as might be proper to be borne by him and the plaintiff and their issue, and one of the Heralds of Arms had prepared a pro-

posed coat of arms to be quartered with the arms of Cecil, and similar in some respects to the arms used by the testator. In the meantime the application, by special case, was made to the Court for its opinion (1) whether the assumption of the surname of 'Joicey' together with and before that of 'Cecil' was such a compliance with the will as to avoid a forfeiture; and (2) whether, having regard to the fact that the arms borne by the testator were not his own, but those of the 'Ince' family, and had been wrongfully assumed by him, and to the fact that there were no arms of 'Joicey' at that time recorded in the College of Arms, the condition as to quartering the arms of 'Joicey' contained in the will was incapable of taking effect. The special case now came on for hearing.

Mr Justice Kekewich held that the will in terms authorised the use of the name of 'Joicey' 'together with' the name of 'Cecil,' and that the circumstance that it was used before instead of after 'Cecil' was immaterial; also that the condition as to quartering the arms of Joicey had, under the circumstances, no operation and was incapable of taking effect, inasmuch as the testator had no right whatever to bear any arms. Therefore the original condition was one which it was impossible to comply with. The grant of the proposed new coat of arms was therefore carried into

effect. The case of Joicey-Cecil *v.* Joicey-Cecil was tried June the 10th, 1898. Does any one require any further proof that, at the present day, even the Common Law recognises the rightful ownership of arms?

Upon the publication of the first edition of this book, a review of it appeared in a periodical *Literature*, and this review was promptly followed by a letter from a correspondent, who attempted to discuss my book, when it was apparent to any one that he could not have read it. The chief of several statements he made was the following:—'In the first place there is no necessity to prove a claim to Arms in order to use them, it having been ruled in a Court of Law many years ago, that any man has the *right* to adopt any heraldic device he likes, and that after using it for a certain time it becomes *bonâ-fide* his own.'

Now I absolutely deny *in toto* the right of an ordinary law court to attempt to adjudicate upon an armorial matter. Nor can I find that any case has ever been tried which rested upon such a jurisdiction. The point has certainly come up as a side issue in some number of cases, but which it is that the said correspondent referred to I am at a loss to know, for no such ruling as that referred to has ever been made. Perhaps, however, the correspondent of *Literature* may be referring, as I have found others do, to a certain case which had some

little connection with the matter. And as this case is so frequently alluded to, let us examine it. It is referred to in an article on 'Trade-marks and Crests' in the *Herald and Genealogist*, vol. 3, 1866. But it will be seen that the case had really nothing to do with the *right* to arms or crest. It merely amounted to whether a bogus crest was to outweigh a genuine trademark. Needless to say, the judgment was that it could not. The case was that of Standish *v.* Whitwell (March 1866) before the Vice-Chancellor Sir William Page Wood.

The circumstances of the case were as follows :— The plaintiffs, carrying on business under the title of The Eagle Coal and Iron Company, at West Bromwich, in Staffordshire, have for the last twenty years used for their mark an eagle with outspread wings, and their iron, which had acquired considerable reputation, had been commonly known as Eagle Iron. The defendants, Messrs Whitwell & Co., being iron manufacturers at the Thornaby Ironworks, Stockton-upon-Tees, about May 1865, adopted an eagle with outspread wings, similar to that of the plaintiffs, accompanied with their initials, 'W. W. & Co.,' as a distinctive mark for the better qualities of iron which they began to manufacture.

On discovering the sale of this Eagle Iron at a lower price than their own, the plaintiffs complained of the infringement of their trademark ;

when the defendants stated that the Eagle was their family crest, and that they had not been aware that there was any Company already using such a brand. In the correspondence that ensued, the plaintiffs stated that after searching the heraldry books, and the records of Heralds' College, they had failed to find any such crest belonging to the family of Whitwell. The defendants replied that, 'whether registered at the Heralds' College or not, the crest of an eagle had been used by their family for thirty years, and, at least, two generations previously;' and they sent an impression of the seal that exhibited it.

Such were the heraldic arguments on either side: the plaintiffs believing or affecting to believe that the allegation of a 'family crest' was a fraudulent pretence invented for the purposes of the action; and the defendants, who adhered to more meek and pacific language, representing such a view of their conduct as a harsh and unjustifiable imputation.

The Vice-Chancellor appears to have coincided with the latter view, for, whilst he regarded a decree for an injunction as a matter of course, *he reprobated the imputations of fraud*, which the legal advisers of the plaintiffs had in the first instance advanced, and on that account disallowed the plaintiffs the cost of their first affidavit, which asserted this charge of fraud as to the use of the crest by the defendants.

The result from the heraldic point of view might seem to be, that a trademark is a matter of much greater sanctity in the eyes of the common law than a crest, for the actual legality of the crest as used by the defendants never came into the question. The defendants merely pleaded that they used the crest in good faith, and had done so for thirty years. So that *for the purposes of the action* the crest was accepted as legal, but the case certainly cannot be held to have proved that the Whitwell family had a lawful right to an eagle for a crest. The contrary was the result, for as a matter of fact the Whitwells at once discontinued to use it. It simply is that the gentleman's remedy does not lie in the Court of Chancery, but whilst utterly denying the right of an ordinary law court to adjudicate upon an armorial matter, it will not be without interest, if, for the sake of those who swear by the law courts, I refer to a case which was tried in the year 1886. A certain Mary Anne Eliza Austen bequeathed her property with certain remainders, and the clause of the Will in question was as follows:—

'Provided always and I hereby declare my Will to be that every person who under or by virtue of this my Will shall become entitled as tenant for life or tenant in tail male or in tail to the actual possession or to the receipt of the rents and profits

of the premises hereinbefore devised in strict settlement and who shall not then use and bear the surname and Arms of my late husband Major Austen shall within one year after he shall so become entitled or (being an infant) within one year after he shall attain the age of twenty-one years (unless in the said respective cases any such person shall be prevented by death) take upon himself and use in all deeds and writings which he shall sign and upon all occasions the surname of Austen together with his own family surname, and also quarter the Arms of Austen with his own family Arms and shall within the said one year (unless prevented by death) apply for and endeavour to obtain a proper licence from the Crown or take such other steps as may be requisite to authorise him so to take use and bear the said surname and Arms of Austen.'

Then followed an ordinary forfeiture clause. Now, the said Major Austen had no right to the arms he used, and consequently the College of Arms declined to exemplify them to the devisee.

The question therefore arose whether the plaintiff's failure to obtain the grant from the Heralds' College operated as a forfeiture. The case was tried on the 5th of May 1886, in the High Court of Justice, Chancery Division, before Mr Justice Chitty (Austen *v.* Collins). Judgment was to the effect that the forfeiture did not operate

on account of the devisee's failure to obtain the grant on its being shown that he had made every endeavour to comply with the terms of the direction. The case is important, but, like the Joicey-Cecil case, to which I have already referred, the judgment in itself merely upholds the College of Arms in its definite refusal to recognise unauthorised arms, but the pith of the matter for those who swear by the words of an ordinary judge, lay in certain very crucial remarks of Mr Justice Chitty in pronouncing judgment. These remarks are omitted in the ordinary law reports, and I quote them verbatim from the *Times* report* on the following day as follows:—

'The rule, no doubt, was that for the purpose of complying with the conditions of an ordinary name and arms clause, a grant from the Heralds' College must be obtained. There were divers statements in the text-books to that effect, and those statements had never been questioned. It was, moreover, to be borne in mind that the law was that a coat of arms descended as an estate of inheritance (Comyns's Digest, *sub lit.* Court of Chivalry). *A man could not of himself create or grant an estate of inheritance to himself. It was, therefore, plain that a mere voluntary assumption of a coat of arms was not enough*, but that a properly authorised grant—*i.e.*, a grant by the Heralds' College—was

* See *Times*, May 6th, 1886.

essential to a fair compliance with the condition of an ordinary name and arms clause.'

I think I have now proved incontrovertibly that in England from an early period—at least, as far back as 1418—down to the present day, the control of arms has been both theoretically and in fact vested in the Sovereign. I have shown the exercise and absolute continuity of that authority; I have shown how the Sovereign in exceptional cases has reserved and still exercises the prerogative to act direct; I have shown how the working, control and supervision has been and still is in England delegated by the Sovereign to the Earl Marshal and the Officers of Arms; I have shown how by grants and by the Visitations with the powers of defacement and disclaimer this supervision has been exercised.

By the due and proper recording of pedigrees *the proof of the right to bear arms* can be established and preserved for posterity and in perpetuity.

The incontrovertible deductions and conclusions from the foregoing are: (1) That to formally *establish* the right to bear arms in England by inheritance, legitimate male descent must be *proved to the satisfaction of the College of Arms*, either from some person to whom the right has been granted by Patent, or from some person to whom the right

was confirmed at the Visitations; (2) that the assumption and use of legal arms by a person who is not included in the limitations recited in the grant or confirmation thereof is *theft;* (3) that arms only originating from an unauthorized source, or in the invention or imagination of a man *or of his ancestors*, are illegal and void of authority; (4) that unless arms have been sanctioned at some time or another by the Crown, or its duly accredited Officers of Arms, they cannot be and are not legal or valid.

CHAPTER VII

ARMORIAL LAW IN SCOTLAND

LET us now turn to Scotland.

Owing to a lack of records, it is difficult to trace the continuity of the authority of the Crown to so remote a period in Scotland as in England. I don't think I can improve upon the form in which the whole subject is discussed in the 'Ordinary of Scottish Arms' by Sir J. Balfour Paul, Lyon King of Arms. I have no permission to reproduce so large an extract from Lyon's book, but I trust I am not doing wrong in making the quotation, which I do with all apologies, and thanks to the writer for having so ably demonstrated the facts of the case :—

'The earliest Scottish Armorial in existence is said to have been prepared by or under the superintendence of Sir David Lindsay of the Mount about 1542. It is impossible to say whether it took from the first an official character, but that there must have been some such recognised record before the close of the sixteenth century is clear from several references which are

made to the *Liber insigniorum*, or "Book of Arms," in the Acts of the Scottish Parliament at that period. In 1592 an Act was passed authorizing the Lyon and his Heralds to hold Visitations throughout the realm in order to distinguish the arms of the various noblemen and gentlemen, and "thaireftir to matriculat thame in thair buikis and registeris." It is unfortunate that this permission to make Heraldic Visitations was never largely taken advantage of; had it been, and had the Registers indicated in the Act been properly kept, it is unlikely that the Privy Council would have, within the next forty years, practically authenticated as an official record Sir David Lindsay's MS. above referred to, which they did in the following terms :—

> "This Booke and Register of Armes, done by Sir David Lindesay of the Month, Lyone King of Armes, reg. Ja. 5, conteines 106 leaves, which register was approvine be the Lordies of his Majesties Most Honourable Privie Counsale at Halierude hous 9 December 1630.
>
> "Sir James Balfour, Lyone.
> "Thomas Drysdale, Ilay Herauld,
> "*Register.*"

'Whatever may have become of the official Registers previous to the date of the commencement of the present one, it is certain that many collections of arms were from time to time made,

both by the Officers of Arms and others. Sir Robert Forman, Lyon (1555-1567), presented to Queen Mary a roll containing 267 Scottish coats of arms. In addition to the "Workman MS." now in the Lyon Office, at least four other Armorials belonging to the sixteenth century, and relating to Scotland, are in existence, and were shown at the Heraldic Exhibition held at Edinburgh in 1891, while the seventeenth-century collections are comparatively numerous. As time went on, however, the absence of an authentic and official Register of Arms was more and more felt. In 1639 the Committee on Articles appointed the Lyon to do diligence for cognoscing and matriculating all arms, and to represent the same to the Privy Council, that they might take some course to prevent arms being assumed irregularly. In 1662 it was apparently found that the registration of arms was more neglected than ever, though Cromwell had appointed one, if not two, Lyons during his administration of the Government. By an Act passed in that year it was provided, *inter alia*, that " . . . Considering what disorders and confusions have arisen and are dayly occasioned by the usurpation of Cadents, who against all rules assume to themselffs the armes of the Cheeff house of the familie out of which they are descendit, and that other mean persones who can nowayes deryve thair succession from the families

whose names they bear, as they have just assumed the name, doe therafter weare the coat of that name to which they pretend without any warrand or grund whatsumever, . . . no younger brother or caudent of any familie presume to carie the armes of that familie bot with sech distinctions as shall be given by the Lyon King of Armes ;" and it was likewise provided that all persons were to have their arms examined and renewed by the Lyon, and inserted in his Register. This Act, however, did not remain long in the Statute-Book ; considerable dissatisfaction appears to have been created by it, possibly from the amount of the fees which it entitled the Lyon to exact at the funeral solemnities of the nobility and their wives, and it was repealed in the following year, 1663. It is not very clear whether the above-quoted allusion to the Lyon Register can be taken as implying that at that time there was such a record in existence, or whether it merely means that a Register was then to be commenced. But as the present Register was certainly commenced within the next ten years as new, it may fairly be inferred that no official Register of Arms, with the exception of Sir David Lindsay's MS. mentioned above as having been approved by the Privy Council, was in existence at the period of the Restoration. What had become of the old Registers, if such there had been, has been a matter of some specula-

tion: both water and fire have been held to be answerable for their destruction. It is by some thought that they may have formed part of that cargo of records originally carried off to London by Cromwell, and ultimately jettisoned from the frigate *Eagle* or lost with the ship *Elizabeth* of Burntisland, when, owing to the representations of the Scottish Parliament, they were being restored to their proper home. On the other hand, Arnot, in his "History of Edinburgh," mentions that the Lyon Office Records were burnt in a fire which took place about 1670, and that the Act under which the present Register was instituted was in consequence passed shortly afterwards. As, however, there is no mention made of any such fire in that Act, which merely alludes in general terms to the many "irregularities of these late times," it can hardly be regarded as authentic history, and it is unnecessary to do more than allude to the causes which have been thought likely to have induced the Scottish Legislature to take the steps they did for the formation of an entirely new Register. It has been shown that an attempt had already been made in 1662 to improve the Registration of Arms, but it had come to nothing. In 1672 the Parliament again addressed themselves to the subject, and this time with success. They had the advantage of a member who was himself well acquainted with heraldry—Sir George Mac-

kenzie of Rosehaugh—and he not improbably took a special interest in drawing the Act, which took its place on the Statute-Book as the Act of 1672, cap. 47. It ratified generally the Act of 1592 so far as it related to Visitations and the penalties to be inflicted on persons using arms without authority, and it ordered all persons of whatsoever degree, who were in the habit of using arms, to give in a description of such arms and of their lineage to the Lyon Clerk, in order that they might be distinguished with "congruent differences," and that the Lyon might enter them in his books and registers, and might grant arms to "vertuous and well deserving persones." The Register now instituted was to be considered as the true and unrepealable rule of all arms and bearings in Scotland, and was ordered to remain in the Lyon Office as a public Register of the kingdom for all time coming. All persons who used arms after the expiration of a year and a day from the passing of the Act rendered themselves liable to a fine of one hundred pounds, and the goods on which the arms were engraved were to be escheat to the King.'

The Act reads as follows. I quote it in full, as it definitely confirms the important point that cadets in Scotland are not entitled to bear the undifferenced arms of the head of their family. And to those who cavil at the personal authority

of the Crown, it is wholesome to point out that in Scotland, at any rate, the matter is governed by common Parliament-made law, carrying, of course, therewith the formal assent of the Crown.

'COPY OF THE ACT CONCERNING THE PRIVILEDGES OF THE OFFICE OF LYON KING AT ARMES.

'Our Soveraigne Lord Considering, that albeit by the 125 Act of the 12 Parlia^t holden by his Maiesties grandfather in the yeir 1592 the usurpation of Armes by any of his Maiesties leidges without the authority of Lyon King of Armes is expresly discharged; And that in order thereto, Power and Comission is granted to the Lyon King of Armes or his Deputes, to visite the whole Armes of Noblemen, Barrons and Gentlemen, & to matriculate the same in their Registers, and to fine in One hundreth pounds all others who shall unjustlie usurp armes; As also to Escheit all such goods and geir as shall have unwarrantable Armes ingraven on them. Yet amongst the many irregularities of these late times, very many have assumed to themselvis Armes, who should bear none, and many of those who may in law bear have assumed to themselvis ye Armes of their chieff, without distinctions, or Armes which were not carried by them or their predicessors. Therefor His Maiestie with advice and consent of his Estates of Parlia^t Ratifies and Approves the foresaid Act of Parliament: And for the more vigorous prosecution thereof Doth hereby Statute and Ordain that lettirs of

publication of this present Act be direct to be execute at the mercat cross of the heid Burghs of the Shires, Stewartries, Bailliaries of Royalty & Regallitie and Royal Burrowghs chargeing all and sundry Prelates, Noblemen, Barons & Gentlemen who make use of any Armes or Signes armoriall within the space of one yeir aftir the said publication, to bring or send ane account of what Armes or Signes armoriall they are accustomed to use; and whither they be descendants of any familie the Armes of which familie they bear, and of what Brother of the ffamilie they are descended; With Testificats from persones of Honour, Noblemen or Gentlemen of qualitie anent the Verity of their having and useing those Armes, and of their descent as afoirsd, to be delivered either to the Clerk of the Jurisdiction where the persones duells, or to the Lyon Clerk at his office in Edinburgh, at the option of the party, upon their receipts gratis without paying any thing therefore: Which Receipt shall be a sufficient exoneration to them, from being obleidged to produce again, to the effect that the Lyon King of Armes may distinguish the sds Armes with congruent differences, and may matriculat the same in his Bookes & Registers, and may give Armes to vertuous and well deserving Persones, and Extracts of all Armes, expressing the blasoning of the Arms undir his hand and seall of office: For Which shall be payed to the Lyon the soume of Tuentie merkes by Every Prelate & Nobleman, and Ten Merks by Every Knight & Baron, and five merkes by every other persone bearing Armes, and noe more: And

his Mat^ie^ hereby Dispenses with any penalties that may arise be this or any proceiding Act for bearing Armes, befor the Proclamation to be issued hereupon. And it is Statute & Ordained with consent forsd that the sd Register shall be respected as the true and unrepeallable rule of all Armes & Bearings in Scotland to remain with the Lyons office as a publict Register of the Kingdome, and to be transmitted to his Successors in all tyme comeing: And that whosoevir shall use any other Armes any manner of way, aftir the expireing of year & day from the date of the Proclamation to be issued hereupon in maner forsd shall pay One hundred pounds money *toties quoties* to the Lyon, and shall likewise escheat to his Maiestie all the moveable Goods & Geir upon which the fds Armes are engraven, or otherwise represented. And his Maiestie with consent forsd Declaires that it is onlie allowed for Noblemen & Bishopes to subscrive by their titles; And that all others shall subscrive their Christned names, or the initiall letter thereof with there Sirnames, and may if they please adject the designations of their Lands, prefixing the word Of to the fds designations. And the Lyon King at Armes and his Brethren are required to be carefull of informeing themselvis of the contraveiners heirof, and that they acquaint his Maiesties Councill therewith, who are hereby impowered to punish them as persones disobedient to and contraveiners of the Law. It is likewise hereby Declaired that the Lyon and his Brethren Heraulds are Judges in all such causes con-

> cerning the malversation of Messingers in their office, and are to enjoy all other priviledges belonging to their Office which are secured to them by the Lawes of this Kingdome, and according to former practice.'

Under a strict interpretation of the above Act, this opportunity of 'matriculation' of ancient Scottish Arms might well be held to have long since lapsed. I am in no way speaking for Lyon, nor do I wish to in any way hamper his discretion, but I believe it to be correct, and consequently it cannot be too widely known that the present Lyon King is by no means averse, if satisfactory evidence can be produced, to still exercise his prerogative and discretion, and matriculate at the present date arms which can be shown to have been authoritatively borne prior to the passing of the above Act.

In Scotland, Lyon King of Arms still exercises his power of restraining the improper assumption of arms: the late 'Lyon' caused a quantity of unauthorised heraldry to be removed from the windows of Glasgow Cathedral and from other public buildings; and quite recently the present Lyon exercised a similar jurisdiction in the case of a public building on which various coats of arms were incorrectly displayed. Mr Grazebrook, in his *Heraldry of Worcestershire*, p. 27, quotes some delightful lines, published in *Blackwood's*

Magazine in June 1865, on the subject of 'How to make a Pedigree':

'But I'll give you here a hint
Your ambitious views to stint—
There's a limit that a wise man will not pass;
You may safely vaunt and vapour
While it's only done on paper,
But you'd better keep from panel and from glass;
For if there you lay a brush,
It may put you to the blush,
Should the Lyon at your 'scutcheon make a dash:
If your arms, so well devised,
Are not "duly authorized,"
All your quarters may some morning get a smash.'

When the writer in *Blackwood* penned these lines, he evidently did not contemplate a time when it would be no longer safe to 'vaunt and vapour while it's only done on paper.'

The following is a copy of a typical Scottish grant of Arms:—

'To all and sundry whom these presents do or may concern, We, George Burnett, Esquire, Doctor of Laws, Advocate, Lyon King of Arms, send Greeting: Whereas, James S—— ——, residing at Banchory, in the county of Kincardine, Esquire, Fellow of the Society of Antiquaries of London, hath by petition of date the tenth day of July current, represented unto Us, that he is the only surviving son of the late William —— of Streatham, in the county of Surrey, Esquire, formerly of the city of Aber-

deen, Master of Arts, Fellow of the Royal Society of Edinburgh, Royal Academician, Honorary Royal Scottish Academician, Professor of the Theory of Fine Arts in King's College, London, and Inspector of Government Schools of Design, by Jane Bickerton B——, his wife, and grandson of the deceased William ——, of Fonthill and Cuttlehill, both in the county of Aberdeen, Esquire, Doctor of Medicine, Fellow of the Royal Society of Edinburgh, by Margaret Chalmers his wife; and hath prayed that We would grant Our Licence and Authority to him and to his descendants, and to the other descendants of his said grandfather, to bear and use such ensigns armorial as may be found suitable and according to the Laws of Arms: Know ye, therefore, that We have devised, and do by these presents assign, ratify, and confirm to the said James S—— ——, Esquire, and to the descendants of his said grandfather, with such congruent differences as may hereafter be matriculated for them, the following ensigns armorial, as depicted upon the margin hereof, and matriculated of even date with these presents in Our Public Register of all Arms and Bearings in Scotland, viz., Argent, a cheveron embattled between three leopard's faces sable. Above the shield is placed a helmet befitting his degree, with a mantling gules doubled argent, and on a wreath of his liveries is set for crest, a lion rampant gardant sable murally gorged argent, sustaining a flagstaff proper, thereon hoisted a banner parted per bend embattled or and gules, charged with a leopard's face counterchanged, and in escrol

over the same this motto, "Decide and Dare." In testimony whereof these presents are subscribed by Us, and the Seal of Our office is appended hereunto, at Edinburgh, the twelfth day of July, in the year of our Lord one thousand eight hundred and eighty-six.

'(Sd.) GEORGE BURNETT, Lyon.'

But, unlike English Arms, the unaltered Scottish coat *descends only to the heir male* of the family, or (as a quartering) through heirs female being heirs portioners. The younger sons and cadets (though they naturally inherit the inherent gentility of the original creation) have no right to bear the arms until they have been re-matriculated to themselves in Lyon Register, and such marks of cadency added as Lyon King of Arms may see fit to require. The re-matriculated and differenced coat then descends in like manner to the heir male of the person matriculating: the cadets of that branch are again each in their turn required to re-matriculate. So that in Scotland to prove a right to arms it must be shown that you are the heir male amongst the descendants of a grantee of arms or of one who has matriculated.

The following is an example of a Patent of Matriculation, by which a cadet of an ancient family had the arms of the head of that family matriculated to himself with due marks of cadency:—

EXTRACT OF MATRICULATION OF THE ARMS OF NORMAN HAY FORBES, ESQUIRE.

'Norman Hay Forbes, Esquire, Fellow of the Royal College of Surgeons of Edinburgh, residing at Drumminor, Tunbridge Wells, in the county of Kent, having, by petition to the Lord Lyon King of Arms, of date the thirtieth day of November ultimo, represented that he is the second son of the late Frederick Murray Hay Forbes, born in the year 1830, Major Bengal Staff Corps, by Honoria his wife, married the second day of January 1858, daughter of the Reverend William Knox Marshall, Bachelor of Divinity and Prebendary of Hereford; that the said Frederick Murray Hay Forbes was the second son of Robert Forbes of the Honourable East India Company's Civil Service, Bengal, born on the first day of June 1808 by Frances Dorothea his wife, married on the twenty-sixth day of March 1828, second daughter of Thomas Law Hodges of Hemsted Park, near Cranbrook, in the county of Kent; that the said Robert Forbes was the sixth son of James Ochonchar, seventeenth Baron Forbes, by Elizabeth his wife, daughter of William Hunter of Polmood, in the county of Peebles; that the Arms of William, eleventh Lord Forbes, were recorded in the Public Register of All Arms and Bearings in Scotland, in or about the year 1672; and the said petitioner having prayed that the said Arms might be matriculated of new in the said Public Register in his own

name, with a suitable difference, the Lord Lyon King of Arms, by interlocutor of this date, granted Warrant and Bearings in Scotland in the name of the petitioner Norman Hay Forbes, Esquire, Fellow of the Royal College of Surgeons of Edinburgh, the following ensigns armorial, viz.: Azure three bears' heads couped argent muzzled gules within a bordure counter-company of the second and first, charged with three crescents counterchanged. Above the shield is placed a helmet befitting his degree with a mantling azure doubled argent, and upon a wreath of his liveries is set for crest a stag's head couped proper, and in an escrol over the same this motto, 'Grâce me guide,' and in an escrol under the shield is placed this motto, 'Lonach.'

'Matriculated the fifteenth day of December 1897.

'Extracted furth of the Public Register of All Arms and Bearings in Scotland.

'(Signed) J. W. Mitchell,

'Lyon Clerk.'

The following is another example:—

Extract of Matriculation of the Arms of William John Home Mylne of Anwell Grove in the County of Hertford, Esquire.

'William John Home Mylne of Anwell Grove, in the county of Hertford, Esquire, of Queen's College, Oxford, Master of Arts, at present residing at Weston-Super-Mare, in the county of Somerset, having by Petition to the Lyon King

of Arms, of date the twenty-second day of June current, represented that he is the second son of the late Robert William Mylne, Esquire, of Anwell Grove aforesaid, and Hannah, his wife, daughter of the late George Scott, Esquire, of Ravenscourt Park, Hammersmith, in the county of Middlesex, in the Commission of the Peace for the said county; that the said Robert William Mylne was grandson and representative of Robert Mylne, Esquire, of London, Architect, whose Arms were matriculated in the Public Register of all Arms and Bearings in Scotland, on the eighth day of September 1767; and Mary, daughter of Robert Home, his wife, which Robert Mylne was greatgrandson of Robert Mylne of Balfarge, his (then) Majesty's Master Mason, whose Arms were also matriculated in the said Public Register about the year 1672; that in both these matriculations the descent of the petitioner's family is set forth from John Milne, Master Mason to King James III., and the said Petitioner having prayed that the said Arms might be matriculated of new in his own name in the said Public Register, with a suitable difference, the Lyon King of Arms, by Interlocutor of this date, granted warrant to the Lyon Clerk to matriculate of new in the Public Register of all Arms and Bearings in Scotland, in the name of the petitioner, William John Home Mylne, Esquire, the following ensigns armorial, viz., Or, a cross moline azure quartered pierced of the field between three mullets of the second, within a bordure gules for difference. Above the shield is placed a helmet befitting his degree with a

mantling azure doubled Or, and on a wreath of his liveries is set for crest a pallas's head couped at the shoulders, proper vested about the neck vert, on the head a helmet azure beaver turned up, and on top a pluniaish gules, and in an escrol over the same this motto—"Tam Arte Quam Marte."

'Matriculated the 29th day of June 1891.

'Extracted furth of the Public Register of all Arms and Bearings in Scotland.

'(Sd.) J. W. MITCHELL,
'Lyon Clerk.'

It should be borne in mind that whilst a grant in England carries *to all descendants in the male line*, a grant in Scotland only descends to *the heir male* for the time being, or as a quartering to heirs-general being heirs-portioners.

CHAPTER VIII

ARMORIAL LAW IN IRELAND

I HAVE now shown how the Crown has asserted its authority, and exercises its control concerning armorial matters in England and in Scotland; there only remains Ireland to be dealt with. Theoretically, the laws of arms in Ireland are the same as those of England; but in Ireland, as in Scotland, the Earl Marshal exercises no jurisdiction, and Ulster King of Arms has sole and supreme authority under the Crown.

Although there was an officer with the title of 'Ireland King of Arms' as early as the reign of Richard II., and though, at least, three other persons were so designated, it is extremely doubtful whether they exercised any heraldic jurisdiction in that country.

Certain is it that no trace can now be found of any official act in Ireland by any such officer, and the earliest assertion of the armorial authority of the Crown in Ireland that I am aware of was the

appointment of the first Ulster King of Arms. A copy of his Letters Patent will be found in Rymer's *Fœdera*. The powers therein granted to him have been confirmed and re-granted to each of his successors in their separate Letters Patent; and in the face of these Letters Patent, and bearing in mind the powers which have been attached to such Letters Patent in England, and also the fact that the Crown is, and must be, the supreme and sole fountain of honour, there can be no question as to the entire authority in Ireland o Ulster King of Arms.

I annex a copy and a translation of the Letters Patent I refer to, creating the first Ulster King of Arms.

'De constituendo Regem Armorum & Principalem Heraldum Hiberniæ.*

'Rex omnibus ad quos, etc. Salutem.

'Sciatis quod, cum inter reliquos qui ad nostrae Regiæ Majestatis Splendorum Ornatumq' spectant Officiarios, non infimum ab antiquo inter primæ Classis Viros vindicant sibi locum Heraldi, qui a Veteribus vocari Heroes soliti sunt, quorum (scilicet) est Regum Lateribus pro eorum Magnificentia & Gloria assistere, Reipublicæ consulere, Virtutes egregiaque Principum Facinora, & amplissimos Triumphos celebrare, fortia Virorum facta extollere Vitia

* Rymer's *Fœdera*, vol. xv., pp. 305, 306 (Lon. 1713), Pat., 6 E. VI., Pt. iv., mem. 2.

exprehendere, & Armorum Curam suscipere, deniq' Domi & Militiæ Bonis omnibus usui esse.

'Nos Muneri huic tam amplo Officioque splendido Virum alioquin industrium præficere cupientes,

'Perpendentesq' Fidelitatem, Rerum praxim Prudentiam Probitatem ac Diligentiam dilecti & fidelis servientis nostri Bartholomæi Butler alias York, ac gratuitum acceptabile ejusdem Bartholomæi Butler quotidianum & laude dignum servitium ac strenuam præcarissimo Patri nostro Nobisq' antehac Operam impensam habentes, Jure merito id poscente, ac cæteris aliis Causis & Considerationibus Nos moventibus.

'De Gratia nostra speciali, ac ex certa Scientia matura Deliberatione & mero Motu nostris, eundem Bartholomæum Butler alias Yorke in Regem Armorum & Principalem Heraldum totius Regni nostri Hiberniæ ereximus fecimus constituimus ordinavimus creavimus, Nomen [Ulnester] ei imposuimus, & realiter coronavimus, ac per Præsentes erigimus facimus constituimus ordinamus creamus, Nomen ei Ulnester imponimus & realiter coronamus, ac Officium illud, necnon Nomen Ulnester, Stilum Titulum Dignitatem Libertatem Præeminentiam Jura Commoditates quæcumque, hujusmodi Officio nunc & ab antiquo pertinentia dicto Bartholomæo Regi Armorum Ulnester damus & concedimus per Præsentes,

'Habendum tenendum occupandum gaudendum & exercendum Officium illud, ac Nomen Stilum Titulum Commoditates & Præeminentias prædictas eidem Commoditatibus & Emolumentis quibuscumq' prædicto Officio qualitercumq'

nunc & ab antiquc spectantibus debitis sive pertinentibus,

'Dantes ulterius & per Tenorem Præsentium, concedentes eidem Ulnester Auctoritatem Potestatem Libertatem Facultatem & Licentiam Clarorum Virorum Arma & Insignia inspiciendi discernendi corrigendi & ratificandi,

'Necnon unicuiq' Differentias in eisdem secundum Armorum Leges imponendi & ordinandi,

'Literasq' Patentes Armorum Claris Viris & idoneis Personis donandi,

'Ac cætera omnia & singula quæ dicto incumbunt Officio Regis Armorum sive inesse dinoscuntur in Jure vel ex Consuetudine temporibus retroactis faciendi exercendi & exequendi,

'Qui quidem Ulnester, ad hunc Statum vocatus, Nobis præsentibus, aliisq' Regibus Heraldis, ac quamplurimus Magnatis & Fidedignis Regni nostri Angliæ prædicti, tunc coram Nobis præsentibus, & specialiter per Nos ad hoc vocatis adhibitis & solempniter requisiti, super Sancta Dei Evangelia solempne præstitit Juramentum,

'Dedimus insuper & concessimus, ac per Præsentes damus & concedimus eidem Bartholomæo, a nobis in Regem Armorum & Principalem Heraldum totius Regni nostri Hiberniæ, ut præfertur, erecto, Quadraginta Marcas bonæ & legalis Monetæ Angliæ per annum, aut tot & tantas Denariorum Hiberniæ Summas quæ se extendant ad prædictum Valorem Quadraginta Marcarum Angliæ ratione causa & excercitio ejusdem Officii pro Vadio &

Feodo Officii prædicti percipiendarum eidem Bartholomæo singulis Annis durante Vita sua, de Thesauro nostro ad Receptam Scaccarii nostri Dublinensis, per manus Thesaurarii & aliorum Officiariorum nostrorum ibidem pro tempore existentium, ad Festa Paschæ & Sancti Michaelis Archangeli æquis Portionibus annuatim solvendarum, una cum tali Liberatura & Vestura, quali & in eisdem modo & forma prout cæteri Reges Armorum & Principales Regni nostri Angliæ Heraldi habent seu habere debent.

'Habendas & percipiendas Liberaturam & vesturam hujusmodi eidem Bartholomæo annuatim, pro Termino Vitæ suæ, ad magnam Garderobam nostram Angliæ per Manus Custodis ejusdem pro tempore existentis ;

'Eo quod expressa mentio etc. aliquo Statuto, etc.

'In cujus rei, etc.

'Teste Rege apud Westmonasterium primo Die Junii [6 Edw. VI.]

'Per Breve de Privato Sigillo.'

Translation of the Letters Patent creating the first Ulster King of Arms :—

'The King to all to whom, etc., Greeting. Know ye that, whereas, among the other officers, who appertain to the splendour and adornment of our Royal Majesty, the Heralds, called Heroes by the ancients, claim from of old a place not the least among the men of the first rank, whose duty it is to attend Kings for their magnificence and glory, to take counsel

for the common weal, to celebrate the valour, noble deeds and widespread triumphs of Princes, to extol the brave doings and reprehend the vices of men, to undertake the care of Arms, and finally to be of service to all good men both at home and in war.

'We, desiring to appoint to this lofty function and splendid office, a man in other respects worthy,

'And weighing the faithfulness, experience of affairs, prudence, probity, and diligence of our well-beloved and faithful servant Bartholonew Butler, otherwise York, and the gratuitous, acceptable, and praiseworthy daily labours of the said Bartholomew Butler, and the zealous service heretofore rendered to our father and to us, according to the claims of right and merit, and all the other causes and considerations moving us thereto,

'Of our special grace, and of our certain knowledge, mature deliberation and mere motion, we have erected, made, constituted, ordained, created and crowned the said Bartholomew Butler, otherwise York, King of Arms and Principal Herald of the whole of our Kingdom of Ireland, and given him the name of Ulster, and by these presents do erect, make, constitute, ordain, create, and actually crown him such, and give him the said name of Ulster, and by these presents give and grant the name, style, title, dignity, liberty, preeminence, rights and commodities whatsoever to such office now and from of old time belonging to the said Bartholomew, Ulster King of Arms,

'To have, hold, occupy, enjoy and exercise that office and the name, style, title, commodities and pre-eminences aforesaid to him, with all profits and emoluments whatsoever to the aforesaid office in any way now, and from of old time, belonging, due or appertaining,

'Giving further, and by the tenor of these presents, granting to the said Ulster, authority, power, liberty, faculty and licence to inspect, determine, correct and ratify the arms of renowned men,

'And also to impose and ordain differences in the same in accordance with the laws of Arms,

'And to grant Letters Patent of Arms to renowned men and suitable persons,

'And to do, exercise and discharge all other things whatsoever which belong to the office of a King of Arms, or are considered to be a part of the same in right or by custom from times gone by,

'Which the said Ulster, called to this rank, in the presence of us and of other Kings Heralds, and numerous magnates and liege subjects of our Kingdom of England aforesaid, then present before us, and for this purpose specially called, summoned and solemnly cited by us, took a solemn oath upon the Gospels.

'We moreover gave and granted, and by these presents give and grant to the said Bartholomew, erected by us, as aforesaid, to be King of Arms and Principal Herald of the whole of our Kingdom of Ireland, forty merks of good and lawful money of England yearly, or so much and so many sums of Irish money

as shall amount to the value aforesaid of forty marks, by reason, cause and exercise of the office aforesaid as wages and fee of the office aforesaid, to be received by the said Bartholomew every year during his life, out of our treasure at the Receipt of our Exchequer in Dublin by the hands of our Treasurer and other officers there for the time being, to be paid at the Feasts of Easter and St Michael the Archangel in equal portions, together with such livery and raiment as, and in the same manner and form as, other Kings of Arms and principal Heralds of our Kingdom of England, have or ought to have,

'To have and receive the livery and raiment aforesaid to the said Bartholomew yearly for the term of his life, at our great Wardrobe of England by the hands of the Keeper of the same for the time being,

'Providing that express mention, etc., any statute, etc.

'In witness whereof, etc.

'Witness the King at Westminster, the first day of June. [6 Edw. VI.]

'By writ of Privy Seal.'

The following is an example of a typical Irish Grant of Arms:—

'To all and singular to whom these presents shall come, I, Sir Arthur Edward Vicars, F.S.A., Ulster King of Arms and Principal Herald of all Ireland, Registrar and Knight Attendant of

the Most Illustrious Order of St Patrick, send greeting: Whereas, application hath been made unto me by
of in the county of Down, one of Her Majesty's Most Honourable Privy Council in Ireland, one of the Justices of Peace and present High Sheriff of the county of , also one of the Justices of the Peace for the said county of Down and for the city of Belfast,
setting forth that he is desirous that armorial ensigns may be duly marshalled and assigned unto him and his descendants by lawful authority, and registered and recorded in the office of Ulster King of Arms in Ireland, to the end that the Officers of Arms there and all others, upon occasion, may take full notice and have knowledge thereof, and hath, therefore, prayed that I would grant and assign unto him and his descendants such armorial ensigns as he and they may lawfully use and bear: Know ye, therefore, that I, the said Ulster King of Arms, having taken the request of the said applicant into consideration, am pleased to comply therewith, and by virtue of the power unto me, given by Her Majesty's Royal Letters Patent under the Great Seal of that part of the United Kingdom of Great Britain and Ireland called Ireland, and by the authority of the same, have given and granted, and by these presents do give, grant, and assign unto the said
and his descendants the Arms following, that is to say:—Argent, a saltire gules between, in chief and in base a bugle horn stringed sable,

and in fess two sea-horses respecting one another proper, for crest on a wreath of the colours a falcon's head erased per saltire argent and gules, and for motto, "Deeds not Words," the whole, as is more clearly depicted in the margin, to be borne and used hereafter by him the said

and his descendants for ever, with their due and proper differences, according to the laws of Arms, without the let, hindrance, molestation, or interruption of any person or persons whatsoever. In witness whereof, I have subscribed these presents and affixed hereunto my Official Seal, this thirteenth day of May in the sixty-first year of the reign of our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord One thousand eight hundred and ninety-eight.

'(Sd.) ARTHUR E. VICARS,

'Ulster King of Arms of All Ireland.'

But when we come to deal with the manner in which armorial control has been exercised in Ireland, it is impossible to speak with that certainty and precision that one can with regard to England. Ireland has ever been in a troubled state, and a certain proportion of her population have always defied the rule of the 'Sassenach.' Such defiance, of course, carries with it no authority for the use of illegal arms, but it explains the some-

what limited and haphazard and perfunctory manner in which the English Crown asserted its control in Ireland in *any* matter in former times; for when there were nobles and chiefs who defied and fought in actual warfare for very regality and sovereignty, the dictum of a Herald acting in the name of the English King would have been considered of but small moment in Ireland in ancient times; and the Irish official records of armorial matters are therefore not so extensive by any means as could be wished. In a series of articles which have been running for some length of time in the *Kilkenny Moderater*, under the heading of a 'Calendar of Documents relating to Kilkenny,' by G. D. Burtchaell, M.A., M.R.I.A., F.R.S.A.I.,* the opportunity is taken to enumerate the Records of Ulster's Office, and incidentally to give a brief history of armorial matters in Ireland. From one of these articles I have drawn largely.

Bartholomew Butler, the first Ulster, died in the year 1566, and the following year was succeeded by Nicholas Narbon, Richmond Herald. Soon after Narbon's appointment a new method for preserving pedigrees by means of funeral certificates was adopted in England. Heraldry was fast losing its strictly *military* importance, owing to the gradual decay of the feudal system, together with the adoption of altered weapons and

* Secretary to the present Ulster King of Arms.

methods of warfare. But it had become customary to conduct funerals with a considerable amount of heraldic pomp. The armorial bearings of the deceased were depicted on escutcheons attached to the bier, and in the case of those of high rank upon banners and bannerolls borne by friends and relatives of the dead. Hence the Officers of Arms were required to attend at funerals for the purpose of seeing that arms were not improperly assumed by those who had no right to them, as well as for the purpose of marshalling the funeral procession. In England funeral certificates were taken pursuant to the 'Orders to be obseruide and kept by the Officers of Armes made by the highe and mighty Prince Thomas, Duke of Norfolk, Erle Marischall of Englande Ano. 1568, the xviii. day of July, yn the Tenth yere of the Reigne of Queene Elizabeth,' wherein it is ordained that 'Everie King of Armes, heraulde, or pursuivante that shall serue at any funerall . . . shall bring into the librari or Office of Armes a trewe and certaine Certificate vnder the hands of the Executors and Morners that shall be present at the said funerall conteyninge the daye of the deathe, the place of buriall of the person deceased; and also to whom he or she married, what issewe they hade, what years they were of at the tyme of the said buriall, and to whom they were married, to the intent that the sayd

certificate may be regestrede and do remayne as a perpetuall recorde in the sayd office for ever.'

I have not alluded to these Funeral Certificates in dealing with the College of Arms in England, because in England, through the existence of other and better records, funeral certificates have played no very important part. But in Ireland, owing to the absence of other armorial records, they form a most important series of records. In that country, immediately upon Narbon's appointment, the following order was made by the Lord Deputy and Privy Council for regulating the use of Arms and the conduct of funerals :—

> 'H. Sidney.
>
> 'To all noble estates and gentle, as well sp'uall as temporall, of what estate, degree or condition soever they or any of them be, and to all maiors, portriffs, bayliffs, souraignes, sheriffs, constables, and other officers, ministers, and subjects, greetings: Forasmuch as Nicholas Narbon, otherwise named Ulster, Principall Herald and Kinge of Armes of this realme of Ireland, intenteth to repaire into all the pets of ye same to visite and oversee the Armes, devises and conisances of all nobles and gentlemen, and if any default be found in any their coat armours, standards, baners, pennons, or conisances or other token of nobilitie and honnor contrarie to the laudable usage of ye realme of England, he to reforme the same in such due order as to the Lawe of Armes doth appertaine, and to correct all false

armorie and all such as without his consent doe psume to beare armes or signe of nobilitie, except they be lineally descended of bloud and name from such their anncestors as by the Lawe of Armes they may of right beare and use. Alsoe upon true certificatt to him made to register all the Armes, descents, and marriages of all nobles and gentlemen of this realme of Ireland, and alsoe to reforme all such as at interments or funeralls use any other maners or weare gownes, hoods, or tippets above their estates or degrees, and all those that shall disobey the same, to make answeare thereunto before the High Marshall of Ireland, and alsoe to see yt no paintor, graver, goldsmith, or any other artificer doe sett forth or make or devise any newe armes, or devise any conusance other than of antiquitie apptaineth without the appointment of the said Vlster King of Armes or his lawfull deputie within the said realme of Ireland. Wee, therefore, not onely will and require, but also command you, and every of you, that unto ye Ulster King of Armes in the full execution of that his office belongeth, and so by authoritie to him given by ye Queen's Maiestie by her Lres Pattents, as appeareth, that you doe give and shew yor lawfull ayde and assistance when he shall require you, as you will answeare to ye contrarie. Robert Weston, Canc., Adam Dublin, R. Trimleston, Willm. Fz. Wm., John Plunkett, R. Dillon, Ni. Bagenall, Frances Agard, Tho. Cusacke.'

Under this order Narbon held twelve Visitations

in the course of the following six years. Unfortunately the originals are lost, and only a portion of those relating to the county and city of Dublin and the surrounding counties remain. Those for Cork and Limerick, which he is recorded to have taken, are missing. Although there is no record of a Visitation having been held for Kilkenny, there are some grounds for supposing that there was. Only half a dozen funeral certificates taken by Narbon are known to exist, and they all relate to persons belonging to Dublin. He held office for over twenty years, and resigned in 1588. His successor was Christopher Ussher, uncle to the famous Archbishop. Hardly any of his official acts are on record during the nine years he was in office. On his death in July 1597, he was succeeded by Daniel Molyneux, who held office for thirty-five years. He was an eminent antiquary, and has left behind him several collections of historical notes chiefly relating to the monastic establishments in Ireland, besides notes of pedigrees of many families. These are now among the MSS. in the library of Trinity College, Dublin. During his time he appears to have attended to the proper discharge of the duties of his office. He held Visitations for the city and county of Dublin, and also for the county of Wexford. But the difficulties he had to contend with through unauthorised persons taking upon themselves to emblazon arms for

the nobility and gentry, as well as from the neglect of funeral ceremonies, are shown by the following letter from his Majesty, dated at Westminster 7th April 1630.

'The King to Lord Viscount Falkland, Deputy General.

'Right trusty and well-beloved cousin and counsellor, we greet you well. Whereas, complaints hath been exhibited to us by our well-beloved servant, Daniel Molyneux, Ulster King of Arms and Principal Herald of that our realme of Ireland, of divers and sundry abuses and disorders concerning arms and armoury there, occasioned partly through the boldness of some mechanical persons who presume to set forth Arms for the nobility and gentry without direction from him, being the proper officer appointed to attend that service, and partly through the nobility and gentry themselves, who have of late, as we are informed, wholly, in a manner, laid aside all funeral rights and ceremonies; we could not but take the same into our princely consideration, as a matter requiring speedy redress and reformation, as well in regard of the nobility and gentry themselves whom so deeply in honour it concerneth, and whose houses cannot but in a short time grow into many perplexities and confused disorders in their Arms and pedigrees if all use of Arms be laid aside at obsequies and funerals, and no entry made of the day of their decease, matches, and issues; as likewise in regard of our servant, a chief part of whose

maintenance and livelihood ariseth from such fees and perquisites as usually grow due at funerals and obsequies of the nobility and gentry, which doth the rather fall into our consideration at this time when the several ranks of nobility are increased in that our kingdom, and a new dignity of baronet there settled, it seemed a thing very disproportionate that our civility and the number of noblemen of all degrees being enlarged, and a new dignity of honour being also added, that the King of Arms or Herald, who is the officer of honour, should not likewise increase in matter of respect and profit, at least not to be in worse respect and meaner state than before. Our pleasure is therefore, and we do hereby require and authorise you, that taking to your assistance such of the nobility and of our Council there as you shall think fit, you enter into consideration and set down a course for redressing of the aforenamed abuses, taking for your direction therein an order or decree set forth in print by the Commissioners of the Earl Marshal's office for reforming of the like enormities in this our kingdom of England, dated the 10th day of November in the sixteenth year of our late dear father's reign, laying down some such course and order for the redress of the former enormities, and for the support of our Officers of Arms there, as shall be thought fit and reasonable to stand with the state and condition of that our Kingdom, with proviso that he have satisfaction for such funerals of the lords, knights, and others of eminent place and quality as of late have not made use of this office ; which

course and order we require and authorize you for the present, and all other our chief governor or governors of that our Realme to see duly executed from time to time as occasion shall be offered hereafter; and for the better preventing of many disorders and inconveniences for the time to come, and to the end that the genealogies and pedigrees of the nobility and gentry, for the furtherance and advancing of our service as occasion shall be offered hereafter, may be more ready and in better order than heretofore they have been. Our further pleasure is, and we do hereby require and authorise you to see our servant countenanced and furthered in the execution of a Commission of Herald's Visitation throughout the several places and quarters of that our kingdom; and if any whom it shall concern be backward or refractory against the due execution of the forenamed Commission, our pleasure is that you take special notice of them, hereby requiring and authorising you to use such means as in anywise they be made obedient to this our command and pleasure to you signified in that behalf.'

Richard St George resigned the office of Ulster King of Arms in 1683, and Carney was appointed to succeed him. The following year he was knighted, being the first Ulster who received that honour. He died 1692, and with him the practice of entering funeral certificates almost entirely ceased. This was chiefly owing to the custom of

using armorial ensigns at funerals being gradually abandoned.

The fees payable to the Officer of Arms were regulated by the rank of the deceased person, and by the Officers of Arms being personally in attendance at the funeral. The fee for a gentleman was £3, which is the fee now fixed for making a funeral entry in the Office of Arms. When the arms of the deceased person are entered, the right of his descendants to these arms is established. When no arms are entered it is presumed that the right to arms was not proved.

The following are copies of two typical Funeral Certificates now in Ulster's office. The original of each is accompanied by a drawing of the Arms.

(1) 'Hugh Buye Magaghegan of Castletoune, in the county of West-meath, deceased the 10th of June 1622. He had to wife Elenor, dr. of Walter Tyrell of Clunmoyle, in the aforesaid County, by whome he had issue—Arte, James, Thomas, Richard, Rose, Neyle, Conly, Connell, Mary, Margery, Elenor, Anne, & Elizabeth.'

(2) 'Bryan mac Dermott of Carrigg, in the county of Roscoman, Esq^r., eldest sonne of Bryan mac Dermott, eldest sonne of Rory mac Dermott, eldest sonne of Teige mac Dermott, eldest sonne of Rory oge mac Dermott, eldest sonne of Rory Keogh mac Dermott, tooke to wife Margarett, daughter of Rickard Bourk of Derrymaclaghnye,

in the county of Galloway, Esq^r^., by whome hee had issue, Tirlagh, alias Terence, eldest sonne & heire, whoe tooke to wife Margarett daughter of Feagh Bourke mac Davye of Downeoman, in the county of Galloway, Esq^r^., Connor, second sonne, died without issue, Charles, 3rd sonne, whoe tooke to wife Ellinor, daughter of William O'Molloy of Croghan, in the county of Roscoman, Esquire, Bryan, 4th sonne, as yett unmarried, a Captaine beyond seas, Teige, fifth sonne, as yett unmarried, & some other sonns that died young without issue, Honora, eldest daughter, died young, Mary, second daughter, married to Patrick Plunkett, second sonne of James Plunkett, eldest sonne of S^r^ Christopher Plunkett, Margaret, 3rd daughter, married to Conn O'Roirk of , in the county of Letrim, gent., Vny, 4th daughter, as yett unmarried, Honora, 5th daughter, alsoe as yett unmarried. The said first mentioned Bryan departed this mortall life at Athlone the 8th of January 1636, and was interred in the Parish Church of Clonemacknosie, in the county of , being the proper buriall place belonging to that Family. The truth of the premisses is testified by the subscription of Tirlagh, alias Terence m'Dermott, eldest sonne and heire of the said Defunct, whoe hath returned this certificate into my office to be there recorded. Taken by me, Thomas Preston, Esq^r^., Ulester King of Armes, this 17th of April 1637.

'Terence Mac Dermott.'

But owing to the absence of Irish records—not

necessarily records which could be looked for in Ulster's Office, but parish registers, for example—it is exceptionally difficult to prove an Irish pedigree, and thereby strictly and unquestionably establish, in the manner required in England, a right to arms.

But for a long time the difficulty arising from faulty records has been remedied, and succeeding Ulster Kings of Arms have had the power (and have continually and continuously exercised it) of confirming by patent arms which have been in use, but for which usage no sufficient legal sanction or authority can be shown. Whether or not the required length of usage has always been the same I am unable to say, but at the present time Ulster King of Arms will issue a confirmation, under his hand and seal, to any one within his jurisdiction, of any arms in use when these can be shown to have been continuously borne for at least three generations, or else for at least one hundred years. Ulster is the only King of Arms who still has authority to issue a 'confirmation' of previously unauthorised arms. But, of course, he can only confirm those arms which come within his Irish jurisdiction. Usually, some slight alteration or addition is made to the coat of arms and crest at the time of confirmation. The extent and nature of this alteration are entirely within the discretion of Ulster King of Arms, and vary

according to the circumstances of the case; but I have known cases where the continuous use of the arms has been proved back to the seventeenth century, in which no alteration whatsoever has been made. But, as I have said, the nature and extent of the alterations rests with Ulster King of Arms. A confirmation is equivalent in legality to a grant; and, like a grant, a confirmation recites the limits within which the arms confirmed are to descend. The limitations are usually to the descendants of the father or grandfather, but where proper and sufficient reason has been shown, these limits have been extended on some occasions in a very wide-reaching manner.

The following are copies of typical Irish Confirmations of Arms:—

> 'To all and singular to whom these presents shall come, I, Arthur Edward Vicars, Esquire, F.S.A., Ulster King of Arms and Principal Herald of all Ireland, Knight Attendant on the Most Illustrious Order of St Patrick, send greeting: Whereas, John Joseph Greene, Esquire, Bachelor of Arts and of Medicine of the University of Dublin, Surgeon-Major Army Medical Staff, eldest son of John Greene of Clare Street, in the city of Dublin, deceased, grandson of Godfrey Greene of Greenmount, in the county of Kilkenny, and great-grandson of John Greene of Greenville, in the said county of Kilkenny, Esquire, who was son of John Greene of the same place, Esquire, hath

made application to me setting forth that his immediate ancestor, Godfrey Greene, Esquire, was granted the castle, town, and lands of Ballynemony, alias Mooretown Keating, and other lands in the county of Tipperary, by Letters Patent, bearing date the twenty-third day of July in the thirtieth year of his late Majesty King Charles II., and that the armorial ensigns borne by the descendants of his said ancestor, the last mentioned Godfrey Greene, do not appear to have been recorded in this office, and praying that I would ratify and confirm the same with such distinction as may be proper to be borne by him and his descendants and the other descendants of his aforesaid great-great-grandfather, John Greene of Greenville, in the county of Kilkenny: Know ye, therefore, that I, the said Ulster King of Arms, having taken the request of the said applicant into consideration, am pleased to comply therewith, and, by virtue of the power to me given by Her Majesty's Letters Patent under the Great Seal of Ireland, and by authority of the same, by these presents do ratify and confirm unto the said John Joseph Greene, Esquire, and his descendants, and to the other descendants of his said great-great-grandfather the Arms following, viz. :—Vert, three bucks trippant or, each gorged with a ducal coronet gules; crest issuant from a ducal coronet gules, a buck's head or; motto, "Nec timeo nec sperno." The whole as is more clearly depicted in the margint, to be borne and used for ever hereafter by him, the said John Joseph Greene, Esquire, and his

descendants and by the other descendants of his aforesaid great-great-grandfather, John Greene of Greenville, in the county of Kilkenny, Esquire, according to the Laws of Arms, without the let, hindrance, molestation, or interruption of any person or persons whatever. In witness whereof, I have hereunto subscribed my name this thirty-first day of December in the fifty-seventh year of the reign of our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of our Lord One thousand eight hundred and ninety-three.

'(Signed) ARTHUR E. VICARS,
'Ulster King (Seal) of Arms of All Ireland.'

Here is another confirmation worded somewhat differently:—

'To all and singular to whom these presents shall come, I, Sir John Bernard Burke, C.B., LL.D., Ulster King of Arms and Principal Herald of all Ireland, Knight Attendant on the Most Illustrious Order of St Patrick, do hereby certify and declare that the armorial bearings above depicted, viz.:—Argent three bars gules, on a canton of the second a mullet or; crest, a horse passant proper, charged on the shoulder with a mullet or; motto, "Fortiter et recte," are confirmed and do of right belong and appertain unto James Franklin Fuller, F.S.A., descended from the family of Fuller of the county of Kerry, being only son of Thomas

Harnett Fuller, Esq. of Glashnacree, near Kenmare, in the said county of Kerry, by his wife Frances Diana (daughter of F. C. Bland, Esq., D.L., of Derriquin Castle, by his wife Lucurda Herbert), who is the son of Captain Edward Fuller of Sackville and Beechmount, also in Kerry, by his wife Elizabeth (daughter of the Rev. John Blennerhassett by his wife Louisa Goddard), who was the son of Thomas Fuller, Esq., Treasurer of the County of Cork, by his wife Ann (daughter of John Pincell, Esq., by his wife Mary Leader of Mount Leader), who was the son of William Fuller of West Kerries, in the county of Kerry, by his wife Jane (daughter of William Harnett of Bally Neury, by his wife Miss Pellican of Peloquin, a sister of the Rev. William Pellican, Rector of O'Brennan), and his descendants and the other descendants of his aforesaid grandfather, with their due and proper differences, according to the laws of Arms, without the let, hindrance, molestation, or interruption of any person or persons whatsoever. In witness whereof, I have hereunto subscribed my name this day of July in the thirty-eighth year of the reign of our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of our Lord One thousand eight hundred and seventy-four.

'(Signed) J. Bernard Burke,
'Ulster.'

The fees upon a confirmation amount to very little; and by the large number of confirmations which have been issued, a result is being now rapidly obtained in Ireland equivalent to the results and records in England consequent upon the Visitations. But it should be borne in mind that such confirmations are concessions of grace, consequent on the troublous times in former days in Ireland, and cannot be construed into anything in the nature of the admission of a right to bear (or at any time to have borne) arms which lack the sanction of the Crown.

That this opportunity of confirmation exists in Ireland for those within the jurisdiction of Ulster King of Arms, I think cannot be too widely known or taken advantage of, and it seems to me an intense misfortune that the point is not officially brought prominently before the notice of those members of the Irish landed gentry who are still making use of arms without authority; for it must stand to reason that at some future date the Crown will recognise that it is then by such concessions, confirming the use of arms which have been originally improperly assumed at such comparatively recent dates, that no valid excuse whatsoever could possibly be alleged for this illegal assumption.

Irish arms descend, as do arms in England, to all legitimate descendants in the male line. So that in Ireland to prove a right to armorial bearings by

inheritance it is necessary to show legitimate male descent from a person admitted to have had a right to arms or to whom the right was granted—(1) in a Visitation; (2) in a funeral certificate; (3) in a confirmation; or (4) from a person to whom the right has been granted in a specific Patent and Grant of Arms.

There is no annual tax for the use of arms in that country. Doubtless this is but 'another injustice to Ireland.'

The fees upon Patents of Arms in *every* case, England, Scotland, and Ireland, have been fixed and decided *by the Treasury*, and the Treasury absorbs the whole of the fees in Scotland and in Ireland, and a portion of the fees in England.

CHAPTER IX

THE RIGHT TO BEAR ARMS

To those who would still maintain that a man may invent arms for himself, I would point out (1) that Henry V. decreed that arms borne without authority were to be stripped off and broken up. Charles (Brandon), Duke of Suffolk, Earl Marshal (1524-1534), ordered 'that none shall enterprise to beare anie signs or tokens of arms, etc., withoute they be authorised so to do.' Henry VIII., Philip and Mary, Elizabeth, Charles I. and Charles II., all in their Commissions commanding Visitations to be made, and in other Warrants and Orders, decreed that false arms were to be defaced; the Kings of Arms made those disclaim who would not rectify their arms. Charles II. says of the assumption of name and arms:—'Neither of which may regularly be done according to the law of Armes without y speciall dispencacon and Licence of us, as we are by Our Supream power and Prerogative the only Fountain of Honour.' The Earl Marshal's Court over and over again called people

to book for illegal use of arms, the *present* Lyon King of Arms has interfered to prevent the display of bogus arms on a public building, and the ordinary Law Courts in 1898 set aside the conditions of a will because the arms in question were of no authority. And yet there are some who 'don't recognise the authority of the College' and the Officers of Arms.

In all that I have written on the subject I have never mentioned or criticised in the slightest degree a person who has made neither use, pretence, nor display of arms or title. My sole object in writing here and in the *Saturday Review* has been to induce the users of illegal arms to DROP them. I am far from wishing the granting of arms—the signs of gentility—to be extended to people who in other matters make no pretence to the attributes of gentility.

How in the face of all the foregoing facts there can still remain those who refuse to recognise the authority of the Crown and College of Arms in armorial matters passes my comprehension. That there are such I am well aware, that many of these ought to know better I am equally aware, and that there are those who, knowing the whole of the foregoing facts, still advocate a kind of help-yourselves-to-any-Arms-and-Crests-you-fancy sort of policy I am also aware. But until the laws are altered, Arms are, and will remain, matters of honour in the pre-

rogative of the Crown to grant and create, and it is almost as much a matter of certainty that as long as a sovereign exists within the Empire the authority in England will continue to be delegated to the Earl Marshal and the Officers of the College of Arms.

Briefly, then, to sum up: to formally establish the right to bear arms in England it is necessary to prove to the satisfaction of the College of Arms legitimate male descent from some person to whom a grant of arms has been made, or from some person to whom arms were confirmed at the Visitations. In Ireland the same, or else from some person whose right to arms has been officially admitted, or to whose descendants arms have been confirmed. Failing this, there is no alternative if you desire to use arms, but to obtain a grant of arms yourself, or, if you be under the jurisdiction of Ulster King of Arms, and can produce the necessary evidence, a confirmation. In Scotland, if you are the heir male of a grantee, or of any one to whom arms have been matriculated, you are entitled to bear these arms; if you can only establish a junior descent, you must have the arms matriculated to yourself, even if it be your father who was the grantee; if you cannot show any such descent, you must petition for a grant.

If you cannot prove a right to arms, and if you

cannot afford or are not in a sufficient position to obtain a grant, then do refrain at least from using unauthorised arms.

To those who profess an entire contempt for heraldry, in all sincerity I offer one word of advice. Such a standpoint is quite justifiable—it is almost understandable. Do have the courage of your own opinions, and *leave Arms and Crests alone*—use none,—and SEE THAT YOUR WIFE DOES THE SAME.

CHAPTER X

FOREIGN ARMS

PERHAPS it may be desirable to add a few notes concerning the status of foreign arms in England.

A foreigner coming into this country is amenable to the laws of honour of his own country and the authorities controlling them in that country *so long as he retains his original nationality.* Those foreign laws and the laws of armorial registration and control vary considerably, but there is one fundamental rule which is now, and has been for some centuries, admitted practically from one end of Europe to the other. With countries outside Europe one need not trouble. American heraldry is beneath notice (I do not refer to the armory of American scions of English gentle families); and the barbaric totemism of semi-civilised countries, though perhaps the origin of our own heraldry is hardly sufficiently evolved to be considered as armory. The one fundamental European rule is this—that arms are a matter of

honour, and that the conferring of honour and honours is a prerogative of sovereignty.*

All European countries recognise the sovereign acts of every other *de facto* European sovereign, so long as these acts are constitutional acts, according to the constitutional law of the country over which each particular sovereign reigns. Now every *de facto* sovereign can grant arms to his own subjects. No sovereign can lawfully grant arms to another sovereign's subjects. Arms and titles are precisely identical, and it requires the consent or definite documentary recognition of the sovereign of the grantee to render lawful and valid a grant of either arms or title from a foreign sovereign. In England this is conveyed by means of what we know as a royal licence. The formalities are somewhat the same in Germany, which, after our own, is probably the country the most carefully controlled. These royal licences are but very rarely granted in England ; but two or three cases of arms come to my mind—*e.g.*, Thornton, which was a grant of an augmentation of arms and a title by the King of Portugal to an actual English subject. For the same reason no grant of arms can be made by the English College of Arms to an American citizen.

The universal sovereignty of the Pope is admitted in some countries, and consequently arms

* I except the Republics of Switzerland and Venice.

and titles granted by the Pope are recognised in Spain and Italy, and perhaps in other countries. They are also recognised by the present French administration. No Papal grant has been officially recognised in this country, that I am aware of, since the Reformation.

A sovereign grants arms to a man and his descendants, and, unless that grant be revoked (which can only be done in England by attainder) the right remains for ever, and cannot be disputed (after proof of descent) in the country in which the arms originated. But no sovereign can be compelled to recognise in his own country honours conferred by another sovereign, beyond the recognition that courtesy demands should be extended to a foreigner and a foreign subject whose credentials are in order. Directly the nationality is changed and the status of foreigner is at an end, that courtesy of necessity also comes to an end, for as an English subject an immigrant becomes entirely amenable to English law, and the English law recognises no arms as legal in this country or for English subjects save those recorded in the official College and Offices of Arms.

The procedure for the registration of foreign arms in this country is as follows: A certificate is obtained that, prior to becoming an English subject, the person in question, in the country from which he came, was entitled to bear certain arms. This

certificate must issue from the Government department (of the country of origin) which has the control of such matters. I believe I am correct in saying that there is now some Government department having proper control in almost every European country. It is essential that the certificate should issue from the Government department, and it has to be countersigned by the English ambassador or minister resident in the country of origin, which I take it is the guarantee that the certificate is official and has been lawfully issued. This certificate is then taken to the College of Arms and recorded there. I am not positive regarding all the formalities of the operation, but the arms are not altered in any way, their legality is fully admitted, and will never afterwards be questioned. After their registration they will be treated as an English coat of arms subject to English heraldic law. I have often been flatly contradicted on this point of registration, and informed it is never done, and that such certificates are never issued. It is done constantly. The supporters granted in Germany to Baron Rothschild, even (namely, Dexter, a lion or, and sinister, a unicorn argent), were afterwards, when the need arose, registered in England without question, though I do not for one moment believe or suppose that any Englishman would ever have been allowed to obtain such a grant.

A great many people emphatically assert that the English College of Arms insist on regranting or else confirming all foreign arms. Both statements are incorrect. The College, nowadays, never 'confirm' any arms at all. If a proper certificate is produced, the arms are 'recorded,' and are neither altered, regranted, nor confirmed. If no certificate is forthcoming, the presumption is that the applicant has no arms at all, and arms are then granted in the ordinary way.

The descendant of a foreigner cannot be said to lawfully possess in this country a legal right to arms unless they are officially recorded. Failing such a certificate as I describe, his right to arms would not be admitted (for example, if creation as a baronet compelled him to prove his right), but at the same time one would hesitate to describe the arms as 'bogus' or 'spurious.' I myself should call them 'foreign,' and mentally class them with 'foreign' titles.

At the same time I would warn any who are interested in the point, that the proportion of the so-called 'foreign' arms in use in this country which are spurious, or which are rank and impudent assumptions, is as great as, if not greater than, the proportion in the case of purely English arms.

CHAPTER XI

POPULAR FALLACIES

NOW, if it were possible to treat of Armorial Bearings, and at the same time to refrain from mentioning the College of Arms, I should do so; but it is not. If arms are admitted to have any attributes whatsoever, it is necessary to consider what they really are, whence they originate, and by what laws they are governed. But the moment one mentions the College, for some reason which I am at a loss to understand, there is a prompt outbreak of correspondence in the Press, violently abusing the College and its officers, individually or collectively, past or present. In 99 cases out of every 100, the letters emanate from would-be armigerous persons whose claims to the arms they have assumed have, after investigation at the College of Arms, been rejected on the score of their *not* being descended from the grantee. If these letters were written with a full knowledge of the whole bearings of the case in question, and of the laws and regulations of the science of

armory, of the Crown, and of the Earl Marshal, no one could complain, but they are always incorrect deductions from cases of personal grievance generalised into vague but sweeping complaints of the whole College, and equally sweeping generalisations on the laws of armory. If any person thinks he himself has a personal grievance against any Officer of Arms in his public capacity, why on earth doesn't he complain to the Earl Marshal? An offending officer would be promptly required to explain by the Earl Marshal, if he had not properly fulfilled his duties and obligations as a servant of the Crown. Instead of pursuing this obvious method, the grumblers, probably knowing at heart that they have no *real* ground of complaint, write a very garbled version of their grievances to the papers.

It is no part of the duties of the Officers of Arms to conduct correspondence in the newspapers, and it has grown into a kind of etiquette at the College that none of its officers shall take part in a newspaper war. The result is that most people believe the College of Arms to only exist 'on sufferance,' and by a policy of 'lying low.' No office, dignity, or privilege is held in this country by more potent right, if Letters Patent or Royal Warrants or Charters of Incorporation have any meaning or any effect, and yet there are some persons who 'don't recognise the authority of the College.'

So that for the sake of the mistaken ones, who, for one reason or another, write to uphold the use of spurious and illegal arms, I propose to shortly recapitulate some of the most prominent objections which I recollect to have seen put forward, and the reasons of their non-avail. With many, silence carries assent ; consequently when no reply emanates from an Officer of Arms to a newspaper accusation, the public accepts the accusation as 'found proved.' The accusations are simply made through lack of knowledge of the true facts.

In the first place, book after book, and so-called authority after authority, are quoted in support of this or that contention. There is no single printed book whatsoever which is official or authoritative. The laws of arms have never been codified, and they exist, not in the manuals or handbooks of heraldry, which are nearly all of them hopelessly wrong, but in the laws and precedents which have to be searched for, but which can be found amongst the records of the College, and which are well known by the Officers of Arms. Consequently it is no good trusting to printed books. Many people seem to think that books published under the names of Officers of Arms must be official. They are nothing of the kind, and no single one that I know of has ever been put forward by its author as of that character, not even the publications of the late Sir Bernard Burke, Ulster King of Arms. The

only book which possesses anything like an official character is the 'Ordinary of Scottish Arms,' by the present Lyon King of Arms, from the introduction to which I have quoted. Though its accuracy renders it worthy of being accepted as official, it was not, however, published by the Government or as a Government publication.

I have already dealt with arms which it has been claimed were omitted at the Visitations, though then borne by right. Personally I don't believe such a case exists, and I cannot learn of any such case having been ever proved before the Chapter of the College. So that neither I nor anyone else quite know what would happen if such a case by any chance were proved.

In nearly every newspaper correspondence upon the subject of armory, somebody or other states that part of the records of the College are missing, or are faulty, and that there are many genuine grants which have been issued of which no record has been kept. How this idea originated I am at a loss to imagine, for I question if there is in Europe any set of records more perfect and of equal age. But if by any chance any genuine grant of arms were to turn up which was not registered at the College, the validity of it would not be disputed by the College, and those arms would be allowed to any descendant in the male line of the grantee; he would not be required to

obtain a new grant of them ; but if no grant of them can be produced, and when no official record of such a grant exists, the natural presumption is that the arms never were granted. Does any one for one moment think that the House of Lords would allow a peerage of which there was no patent of creation, no writ to which it could be assigned, and no record amongst the records of the House of Lords that such a peerage had been enjoyed? The House of Lords does not presume that its records and officers are at fault merely because a certain family have assumed a titular distinction of which there is no proper record. In the same way, it is rather absurd to presume that the Heralds' College should be wrong because they possess no record of arms borne by a certain family, which family can produce no official evidence whatever of their authenticity. But the most universal of all objections taken to the College of Arms or to its Officers has degenerated into the sneer concerning a payment of fees, and many people in their innocence prefer a bogus coat of arms concerning which no fee has been paid to the Crown, to a legal coat which they are pleased to stigmatise as a 'bought' one.

Surely a little reflection must dissipate such an idea. A grant of arms, though doubtless of a greatly lesser value, is technically a patent of gentility in precisely the same manner as the letters

patent creating a peerage constitute a patent of what we here in England commonly and colloquially call nobility. Each of them is issued signed, not by the Sovereign, but by the officers of the Sovereign whom the Sovereign has delegated to attend to such matters. Each of them are letters patent signifying the will and pleasure of the Sovereign to all and singular whom they may concern. Each of them grants a definite honour. Each of them distinctly recites the limits within which this honour is to devolve.

But every Peerage patent that is issued carries with it the obligation of certain fees which are required to be paid to the public exchequer, and various other payments which the Crown requires to have made to those of its servants who are concerned in the preparation and passing of the patent. Surely the Crown has a right to say in what manner its servants shall obtain their remuneration for the due and proper fulfilment of their duties to the Crown, whether actually upon the patent in question or not. Every Peerage title created by letters patent has involved the payment of these fees by somebody. They are the reimbursement of the Crown of the cost to the Crown in preparing and issuing and creating and controlling titles and their necessary letters patent. Lord Wolseley is the only instance of a peer who has objected to pay these fees that I, or I fancy any-

one else, have ever heard of. Even he paid them (though under protest), because the Crown insisted that he should.

When a Patent of Arms is applied for, certain fees are payable : objection is sometimes taken to their payment, and a coat of arms granted by patent gets stigmatised as a 'bought' one in consequence of the necessity of this payment. But the cases of a Patent of Arms and a Patent of Peerage are identically the same, inasmuch as on the issue of either patent certain fees are required to be paid. These fees upon a Patent of Arms, as in the case of a Patent of Peerage, are merely the reimbursement of the Crown of the cost to the Crown of granting this honour of gentility and of the concession of arms to the applicant. The Crown considers it necessary that its College of Arms shall be maintained for the due and proper registration and control of Armorial Bearings, and if the Crown chooses that the remuneration of its officers for the work and duties which the Crown requires them to perform shall be made out of a portion of the fees paid upon grants of arms, that is the concern of the Crown and not of the applicant for its grace and concession. That my contention is theoretically and absolutely correct can easily be proved by reference to the revenue of the Lyon Office in Scotland.

In Scotland the Crown appoints certain officers

to do its work, and now pays them what it considers to be adequate salaries for the due performance of their duties. The natural consequence is that the whole of the fees paid upon grants or matriculations [with the exception of the actual payments made to the handicraftsmen who paint and engross the patents], are paid either in the form of stamp-duty directly to the revenue of the Crown, or are handed over by the Lyon Office to H.M. Exchequer. What are known as the 'fees of honour' of a Scottish Herald, formerly a portion of his remuneration, which are collected by virtue of various Royal Warrants, are now paid into the Treasury. When the point was raised in the House of Commons some little time ago, it was shown that the salaries and expenses of Lyon Office were practically equivalent to the amount received in the stamp-duty upon the patents, so that it is self-evident and incontrovertibly evident that in Scotland, at any rate, the fees paid upon patents of arms are merely the reimbursement to the Crown of the cost to the Crown of issuing and regulating these concessions and grants of arms. Were a similar system adopted in England it would be similarly evident that the same identical contention would hold good; and the mere fact that instead of receiving adequate salaries from the Treasury the officers of the College of Arms are remunerated by a proportion of their fees, merely ensures

that those officers who do any particular piece of work shall obtain the payment for doing it.

It is a popular idea that an appointment in the Heralds' College is a sure and easy way to wealth. This is far from being the case. The salary of a Pursuivant is about thirteen pounds, and of a Herald about sixteen pounds a year. For this they have many duties to perform for which these sums are a ridiculously small recompense, and the Crown has decided that the remainder of their remuneration shall come from a proportion of the fees paid on patents of arms.

Though it has really nothing whatever to do with the public, I may perhaps here say that by far the larger proportion of the incomes of the Heralds and Pursuivants is not due to any salary or proportion of fees (which together amount to comparatively little), but comes from an entirely different source.

It is no part of a Herald's official duties to the Crown to work out a pedigree or collect genealogical evidences. This work might be performed outside the College, and there is nothing to prevent this beyond the fact that it would seldom be done half so well by an outsider. It is from this *unofficial* work that the Officers of Arms derive the greater part of their incomes, and when all is said and done, the sums total of these incomes fall far short of what many a man in another calling in

life, but in a similar social position, would expect with the experience, training, knowledge and education necessary, and in consideration of the labour involved.

Consequently, if a coat of arms granted by patent is to be stigmatised as 'bought' from the Crown, then of a surety every Peerage granted by patent is equally 'bought,' and it should be borne in mind that with the exception of the very few ancient coats of arms allowed on sufficient proof as existing by right at the Visitations, every single coat of arms of legal authority has been 'bought' or paid for at some time or another. A payment made two hundred and fifty years ago is liable to be ignored or forgotten, but the fact that the payment was made even so long ago places an ancient coat of arms upon an identical footing with a modern one as far as the question of *purchase* is concerned.

A spurious coat of arms upon which no payment has been made is in precisely the same position as a bogus baronetcy, and is equally open to criticism. So that if modern arms are to be stigmatised as 'bought,' the same remark must apply to ninety-nine out of every hundred of the coats of arms, ancient or modern, now legally in use, and to every Peerage created by patent.

If a family whose origin is plebeian desire to legally acquire gentility, a start must be made at

some time. Consequently we see men nowadays, and not necessarily very wealthy men, but men claiming to live according to the habits and customs of gentle people, who 'honestly acquire, and pay the fees upon, a grant of arms which "they and their posteritie" can "have, occupie, and injoye" as their own and their children's: they have not robbed anyone, or stolen it with secrecy, after choosing the prettiest coat; there is no occasion for shame, or the fear of being found out. No! The constituted authority has granted and confirmed it, and recorded their names in the indelible Book of Chivalry. The first step has been honestly taken in planting the family tree.'

Another frequent newspaper objection is that the Officers of Arms, when it has been necessary to obtain a new grant of arms, require too great an alteration to be made in the design which has been hitherto illegally in use. Now no two coats of arms which may be granted are ever allowed to interfere one with another. Each new grant must be sufficiently different and distinct for anyone versed in armory to be able to recognise the difference. It is outrageous to suppose that a family of no ancestry (merely because for a certain short length of time they have made improper use of a purloined coat of arms) shall be allowed to obtain a grant the design of which might encroach upon and infringe the duly recorded and granted rights of some other family.

Those who make the loudest objection on this point are usually those for whom really the very least consideration is due. They are always those who know little of armory and its laws, who know less of the Heralds' College and its laws, and still less of the thousands of genuine Armorial Bearings properly recorded with which their own ideas are bound to clash.

On the other hand, there are those who seem to consider that they and their families have vested interests in certain and particular charges. It is hopeless to attempt to argue with such people, and I fail to see what cause of annoyance or ground for complaint can exist when the alterations are sufficient in number and prominence to prevent anyone with a knowledge of armory mistaking the one coat for the other. There are some people who could hardly tell the difference between the Royal Arms and, say, the Arms of the City of London. It is no crime to be ignorant of Heraldry. But at the same time it is hopeless to attempt to always introduce sufficient variance to be recognised by a person of this class. Those who have no personal interest in these two contentions, and have no argumentative axe to grind, I fancy are ready enough to admit that between these two schools of complainants the Heralds' College hold the balance very fairly.

Still yet another class contend, and one notori-

ous newspaper correspondent contends somewhat viciously, that failing a direct proof of descent no new coat of arms should be granted in any way resembling the legitimate arms of any other family of the name. This is an academic point capable of much argument on either side, but at the same time it should be borne in mind that many openly assert that it should be possible to tell a man's name from the arms he bears. In ancient times this was nearly always possible, and such an idea is the very foundation of the whole of Scottish Armory. Such an idea has also been admitted to a large extent from the very earliest times in English Armory, so that whilst there is much to be said in favour of the contention which I have referred to, and whilst I admit it has my thorough sympathy, to establish such a position now would be to upset the whole of the present and past regulations.

A common enough complaint is that a modern coat of arms is not artistically or heraldically as 'good' a coat as an ancient one. I frankly admit it. But by a warrant of a former Earl Marshal certain distinctions must very properly be made between any new grant and any existing arms with which it might clash. A simple coat of arms such as "Azure, a bend or," or "Gules, a lion rampant argent," it is now impossible to obtain. Such have all been long ago appropriated, and it is

because they have been appropriated for so long that a simple coat has become what it is, 'the sign of an ancient house.' As a natural consequence, that, of course, is one great reason why 'simple' coats are so urgently desired. It is due to nothing more or less than the dishonest snobbishness which desires to pose before the world as possessing more ancient ancestry than it does. But if the perennial grumblers on this point would leave the designing of arms entirely to the Officers of Arms, instead of insisting, as the majority of the applicants do, that the new arms are to be as like the old improperly appropriated coat as the laws of the College will admit (such insistance being usually dictated by the desire to hide the fact that the genuine arms are not those previously in use), it would be found that new arms were very much simpler than sometimes turns out to be the case.

Another argument is made much of, and it is this, that the Heralds will not admit descent from an armigerous family, and a consequent right to their arms, without the production of proof which it is frequently now almost or quite impossible to supply. There are unquestionably and unfortunately a few such cases in which the legal proof, which it is necessary to provide, places the family in a pitiable position. But it must stand to reason that unless a thing is incontestably *proved*, it cannot be

accepted without prejudice to the rights of other people. When all is said and done, the fact remains, and must remain, that the hard position in which these few families now find themselves is solely due to the negligence of their own ancestors in failing to properly record their pedigrees when the necessary proofs were readily accessible and when the facts still remained matters of their own everyday knowledge. But of the many cases in which this *excuse* is put forward, there are but few indeed in which it has the semblance of truth.

I don't know whether it is generally known that even in the Law Courts a man's sworn testimony as to the name and identity of his father and of his grandfather are, failing evidence to the contrary, accepted as legal evidence. It is much the same in the College of Arms, and any man is allowed to enter a large proportion of the facts concerning his own pedigree from his grandfather, on his own solemn affirmation, without the formality of the production of actual documentary proofs. The Heralds, of course, take the precaution of checking the information so recorded, so that the risk of falsehood being deliberately palmed off upon them is, through their precautions, reduced to a minimum. But at the same time the opportunity so afforded, if properly taken advantage of, is such that the rights of no family need lapse from any pecuniary reason.

The cost of recording such a pedigree is trivial, and if members of arms-bearing families would only continue from time to time to enter up these short pedigrees there would be no grievances, and there would be none of the great expense of collecting the evidences and proving a long pedigree which occasionally causes a genuinely armigerous family to allow their descent and right to arms to be questioned or disputed.

Though it has been necessary to write as above, I wish distinctly to say that in the course of my articles in the *Saturday Review* I have as far as possible, and as far as I have known, refrained from holding up to criticism cases which hung upon any such supposition.

But as a matter of fact the cases where this sort of thing is usually said, and where an unproved descent is asserted, nearly all turn out upon investigation to be simply unvarnished untruths.

A great many people when it comes to argument are fond of setting up a lot of ninepins to knock down, which said ninepins are not being played in that particular game. Now a very specious ninepin of this character in the game of argument is the false issue by which it is sought to set forth that the Heralds officially say that the use of arms is illegal unless the pedigree is fully entered up to date in the College of Arms. People really ought to credit the Heralds with a

little common-sense. Arms are granted to certain people and their descendants according to the laws of arms for ever. Only attainder can take away that right. It is the *descent from the grantee* which the Heralds, when speaking officially, quite rightly refuse to admit until it is proved. It is hardly to be supposed they would record or certify the right to the arms of the said grantee unless the descent were proved and recorded. They *dare not* admit such a right unless it is sufficiently *proved* for it to be impossible, as far as human judgment can go, for it to be subsequently shown to be wrong. But no Herald was ever so foolish as to say that the right *did not exist* without the pedigree being recorded. It simply is that they will not certify that it *does* exist unless the descent is proved. There is a wide difference between the two. And the specious misstatement so frequently put forward which I refer to above I can only term a piece of utter and wilful misrepresentation.

But it is too much to suppose that Officers of Arms will accept a mere statement of descent as proof of a right to arms. The Psalmist in his haste remarked that all men are liars, and he spoke with no experience of armorial bearings or of the temptation they afford to depart from the truth. It has been wittily remarked that the Psalmist might equally have said it at his leisure.

It should be clearly understood that *if* the descent from a grantee exists, it is not the right to the arms which is denied. It is the *fact of the descent* which is not admitted until it is proved. The right to arms follows the proof of descent, and is then admitted, even officially, as a matter of course.

Personally I think those with a right to arms are very short-sighted not to record their pedigrees generation by generation. The cost of doing this is little more than a matter of *shillings* each time, and the proof being always on record, the descent can never thereafter be disputed or questioned. If the registration is left beyond three generations the cost of *proving* the descent increases rapidly. For three or less generations it is trivial.

One constantly recurring complaint against the College of Arms and the Officers of Arms relates to what the public are pleased to term the enormous cost of recording a pedigree and thereby establishing a right to arms.

The entire cost of the matter in the case of a long pedigree *is* heavy, but I think the public are under a great misapprehension. The official fees for the examination of a pedigree before the Chapter of the College of Arms, and for the recording of it in the books of the College, are by no means great. Where, then, does the

cost come in? *In collecting the evidences* by virtue of which the pedigree is proved. There is no reason at all why this should be done by any Officer of Arms, except that he will probably do the work better and more cheaply than an outsider. The documents and records, official and unofficial, to which he has access in the College are much more numerous than is popularly supposed.

And wherein lies the hardship of a small expense in proving a pedigree? One never hears of a peer grumbling because it is a matter of personal expense to establish and prove his really inalienable right to succeed his father. Therefore, why should a gentleman grumble because it is a trivial matter of expense to him to prove and establish his succession to the lower, but still hereditary rank. Entering a pedigree at the College from one's father or grandfather costs *nothing like* the amount it costs a peer to prove the *same thing* in the House of Lords. But if the obvious expediency of entering these short pedigrees generation by generation is ignored, then naturally the cost of collecting the evidences mounts up rapidly. It is just the same in a Peerage case.

It seems to be a general idea that an utterly unknown pedigree can be worked out for 200 years for a couple of pounds or so. To anybody who has any such idea, I merely recommend that they should honestly try to collect the evidences

themselves. They will then have some idea of the cost of getting the facts together, from Parish Registers, from Somerset House, and the Record Office. They will have some idea of the hours and hours of searching which in the end only too often prove to be void of result. But it has all been genuine and honest work, and somebody must pay for it. But if you have got the necessary evidences in your own possession, or have collected them yourself, the cost of recording them in the College of Arms will be little indeed. But I would ask amateur genealogists to bear in mind that the necessary evidences must include, as a minimum, all certificates of baptism, marriage and burial, and officially certified copies of the wills (where they exist) of at least every male through whom descent is alleged. It is no good thinking an old family Bible, two or three letters, and an impression of a seal, will substantiate a pedigree from the Visitations to the present day.

If arms were anything in the nature of a necessity, the whole of the complaints I refer to regarding the so-called 'rights' of unrecorded arms, etc., might perhaps have weight as arguments for increased facilities. Arms not being a necessity, but a matter of privilege, emanating from the Crown through its officers, and a privilege which, within certain limits, the Crown is willing should be obtained on certain terms, it must stand

to reason that if people decline to comply with and recognise those terms and conditions, they cannot lawfully possess the privilege.

Another grievance is, and it is a common enough assertion, that arms are now granted to all and sundry who will pay the fees. That is absolutely wrong. Of their own motion in England neither Kings of Arms nor Heralds can grant arms to anybody. The Earl Marshal's separate warrant for each separate case is absolutely indispensable. And it rests entirely with him, and is absolutely and entirely a matter in his own personal discretion, to say whether an applicant is in a sufficient position in life to have arms or not.

Applications have been refused in quite recent times, and applications to assume (with the name) the arms of another family are *constantly* refused. That refusals are not more common is entirely due to the fact that the Officers of Arms will not put forward applications from those whom they know would receive refusals. The control over the College of the Earl Marshal, when he finds it necessary to move, is very real and effective.

Of the new grants of arms which are issued, probably—sooner or later—I get to hear of at least a third. Those who know my identity will doubtless admit the statement I make in the foregoing sentence to be probably correct. Those who do

not know the personality of 'X' must please try to believe that it is so. I have never in my life known a single case where arms have been granted to a man who was not palpably living in that style of life in which the use of arms is usual. Many people have been knighted who would probably have been previously refused arms. The class, and the rank in life, of those people who nowadays obtain grants of arms is *much higher* at the present time than it was in the time of the Tudors, when heraldry was about at its highest point in England.

All sorts of letters and complaints have appeared in armorial newspaper correspondence. Some are anonymous, but a little patient care and investigation will in nearly every case reveal the identity of the writers. These letters are naturally either for or against. Amongst the latter never once has any one attempted to disprove the existence of the authority I have in the foregoing pages put forward. They are merely concerned in abusing different Officers of Arms alive or dead, collectively or individually. Nearly every writer whom I have identified I know to be some one with a *personal* grievance against the duly constituted authorities, usually relating to his own arms or pedigree. Unfortunately it is on the loudly expressed opinions of these biassed individuals that the public so often form their conclusions. Those without any personal grievance seldom trouble to intrude in these news-

paper fights. The consequence is that the public never hears of the hard work, the careful and minute examination of pedigrees, the safeguards against mistakes, or of the endless labour and research which, without fee or reward or any publicity, different Officers of Arms undertake and perform, and have done for ages past, in order that they may record or make accessible facts and evidence which will perhaps be wanted in the future. Here is an example. There has been a great hubbub recently about bogus baronets. Needless to say these individuals have never paid a sou to have their true pedigrees proved or recorded. But of the English cases, I myself know that the evidence is collected in the majority of instances, and is ready when the occasion officially needs its production. That is only one instance of many I could quote. And I probably do not even know myself of a tithe of the records the Corporation possess. But when I know from long experience that the Officers of Arms do the whole of their official duties genuinely and fearlessly, and when I know the rules and safeguards of the College prevent the contrary, I think it is just as well that the general public should be equally informed.

I have written this book solely for the love I bear for the science and practice of Armory. I hold no brief for the Heralds' College, nor for all, nor for

any of its officers. I am fully aware that in my writing I have not even the good wishes of some of them. I am not concerned to glorify the College. I have neither the wish nor the intention to weave laurel wreaths for the brows of any of its officers, past or present. But as the law now stands, the fact must still remain, as it does, that the Sovereign is the Fountain of Honour, and that matters armorial have been delegated in England in all due form to the control and supervision of the Earl Marshal and the College of Arms, and to the Kings, Heralds, and Pursuivants of Arms forming the Corporation of the College.

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